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EASONAL FARMWORKER POWERLESSNESS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON MIGRATORY LABOR

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE UNITED STATES SENATE

NINETY-FIRST CONGRESS

FIRST AND SECOND SESSIONS

ON

WHO IS RESPONSIBLE?

JULY 21, 1970

PART 8–B

Printed for the use of the Committee on Labor and Public Welfare

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Format of Hearings on Migrant and Seasonal Farmworker Powerlessness

The Subcommittee on Migratory Labor conducted public hearings in Washington, D.C., during the 91st Congress on "Migrant and Seasonal Farmworker Powerlessness." These hearings are contained in the following parts:

Subject matter	*Hearing dates*
Part 1: Who are the Migrants?	June 9 and 10, 1969.
Part 2: The Migrant Subculture	July 28, 1969.
Part 3–A: Efforts To Organize	July 15, 1969.
Part 3–B: Efforts To Organize	July 16 and 17, 1969.
Part 4–A: Farmworker Legal Problems	Aug. 7, 1969.
Part 4–B: Farmworker Legal Problems	Aug. 8, 1969.
Part 5–A: Border Commuter Labor Problem	May 21, 1969.
Part 5–B: Border Commuter Labor Problem	May 22, 1969.
Part 6–A: Pesticides and the Farmworker	Aug. 1, 1969.
Part 6–B: Pesticides and the Farmworker	Sept. 29, 1969.
Part 6–C: Pesticides and the Farmworker	Sept. 30, 1969.
Part 7–A: Manpower and Economic Problems	April 14, 1970.
Part 7–B: Manpower and Economic Problems	April 15, 1970.
Part 8–A: Who Is Responsible?	July 20, 1970.
Part 8–B: Who Is Responsible?	July 21, 1970.
Part 8–C: Who Is Responsible?	July 24, 1970.

CONTENTS

CHRONOLOGICAL LIST OF WITNESSES

Tuesday, July 21, 1970

Page
Dunwell, Roger McClure, lawyer, Rio Grande Valley, Tex., representing United Farm Workers Organizing Committee 5394
Fernandez, Efrain, the Rio Grande Valley, Tex 5445
Segor, Joseph C., executive director, Migrant Services Foundation, Inc., Miami, Fla 5456
Juarez, Rudolpho, migrant farmworker, Florida 5479
Moore, Philip, staff counsel, project on corporate responsibility, Washington, D.C 5499
Cochran, Clay, executive director, Rural Housing Alliance, Washington, D.C 5521

STATEMENTS

Chisholm, Hon. Shirley, a Representative in Congress from the State of New York, prepared statement 5389
Cochran, Clay, executive director, Rural Housing Alliance, Washington, D.C 5521
  Prepared statement 5522
Dunwell, Roger McClure, lawyer, Rio Grande Valley, Tex., representing United Farm Workers Organizing Committee 5394
  Prepared statement 5401
  Supplemental statement, with exhibits A–J 5406
Fernandez, Efrain, the Rio Grande Valley, Tex 5445
Juarez, Rudolpho, migrant farmworker, Florida 5479
Moore, Philip, staff counsel, project on corporate responsibility, Washington, D.C 5499
  Prepared statement, with appendixes 5508
Segor, Joseph C., executive director, Migrant Services Foundation, Inc., Miami, Fla 5456
  Prepared statement 5494

ADDITIONAL INFORMATION

Articles, publications, etc.:
  "Bax Vows Housing Help," by the Associated Press 5589
  "Collier Courthouse Picketed—Migrants Ask More Aid," from the Miami Herald, April 10, 1970 5476
  "Commissioners Hear Report on Hunger Tour," from the Belle Glade, April 14, 1970 5477
  "Community Organizes: Migrants Begin Struggle," by Ed Domaingue, from the Ledger, Lakeland, Fla., July 16, 1970 5577
  "Crop Damage Relief—Farmers Await Word on Loans," from the Miami Herald, April 1, 1970 5472
  Cuban Nurse Aids Migrants 5575
  "Damage to Crops Critical, Aid Asked," from the Miami Herald, March 31, 1970 5472
  "Declare Disaster in Seven Counties, Kirk Asks U.S.," from the Miami Herald, April 2, 1970 5474

Articles, publications, etc.—Continued

Page

"Deletions Made In TV Show," special to the Ledger from the New York Times ... 5590
"Disaster for Migrants, Too." from the Miami News, April 13, 1970 ... 5476
"Farmers Face Lack of Help," from the Palm Beach Post, May 6, 1970 ... 5479
"Farmers Home Administration and Farm-Labor Housing: Missing the Mark," by Jim Hightower, associate director of program development, Rural Housing Alliance ... 5814
"Fear, Mistrust Greet the Law," from the Ledger, Lakeland, Fla., July 13, 1970 ... 5563
"Hunger, Lack of Jobs Stalk Florida's Migrant Pickers," from the Miami News, April 10, 1970 ... 5475
"Migrants: An Invisible Army of 25,000 Languishes in Poverty in Polk," by Ed Domaingue, from the Ledger, Lakeland, Fla., July 13, 1970 ... 5559
"Migrants Ask Kirk for Help," from the Miami News, April 15, 1970 ... 5478
Migrants: How To Escape Trap ... 5569
"Migrant Leaders Given Letter on Labor Conditions," from the Belle Glade, April 14, 1970 ... 5478
Migrant Services Foundation, Inc., report to the board of directors, by the executive director, Joseph C. Segor ... 5465
"Migrant Storm Exposure 'Bias' Claims Disputed," by Ed Domaingue, staff writer, from the Ledger, Lakeland, Fla., July 18, 1970 ... 5587
"Migrant's Legal Aides Charge State Fails the Jobless," from the Palm Beach Post, April 3, 1970 ... 5474
"Nine Florida Counties Seek Disaster Aid," from the Miami Herald, March 28, 1970 ... 5471
"Pieces and Scraps—Farm Labor Housing in the United States," by Lee P. Reno ... 5652
Report of the Miami Herald staff writer J. K. de Groot on the migrant of south Florida:
  "A Migrant's Life—Like They Told Him: Your Lot's Hard and You Got To Bear the Load," from the Miami Herald, August 21, 1970 ... 5554
  "Can't Improve Lot, Migrants Believe," from the Miami Herald, August 18, 1970 ... 5545
  "Housing for Many Migrant Workers May Worsen Before It Gets Better," from the Miami Herald, August 19, 1970 ... 5548
  "Most of the Migrants Call Florida Home," from the Miami Herald, August 16, 1970 ... 5538
  "Oldtimer Versus Migrant—Cultures Clash on the Land," from the Miami Herald, August 17, 1970 ... 5541
  "State Shifts Migrant Mess to Washington," from the Miami Herald, August 20, 1970 ... 5551
"Report of the Migrant Labor Task Force of the State Human Rights Advisory Council," by Herbert L. Amerson, council chairman, and William Galbreath, task force chairman ... 5628
"Solutions to Problem Available," by Ed Domaingue ... 5583
"Some Days You Work and Eat—Some Days You Don't," by Ed Domaingue, from the Ledger, Lakeland, Fla., July 14, 1970 ... 5564
"Summary of Harvesting Conditions in Southern, Central, and Northern Florida," from the Farm Labor Bulletin, Florida State Employment Service, April 2, 1970 ... 5473
"TV Show Criticism—A Repeat," by Hubert Mizell, from the Ledger, Lakeland, Fla., July 17, 1970 ... 5582
'"Ten Years Go Past But Little Changes," by Ed Domaingue, from the Ledger, Lakeland, Fla., July 15, 1970 ... 5570
Time To Face Responsibility ... 5576
"The Excepted People—The Migrant Workers in Washington State," by Dr. Tom J. Chambers, Jr., Washington State Council of Churches, Seattle, Wash ... 5591
"The Migrant Stream in Polk" ... 5563

Communications to:
Holland, Hon. Spessard L., a U.S. Senator from the State of Florida, Old Senate Office Building, Washington, D.C., from George F. Sorn, manager, labor division, Florida Fruit and Vegetable Association, August 31, 1970 (with attachment) ... 5538

Communications to—Continued
  Mondale, Hon. Walter F., A U.S. Senator from the State of Minnesota, from:
    Holland, Hon. Spessard L., a U.S. Senator from the State of Florida, Committee on Appropriations, Washington, D.C., September 2, 1970 ---- Page 5537
    Orendain, Antonio, United Farm Workers, Organizing Committee/AFL–CIO, Texas Branch, McAllen, Tex., July 15, 1970 ---- 5448
    Sanchez, R. P. (Bob), attorney and counselor at law, McAllen, Tex., July 22, 1970 ---- 5650
    Shultz, George P., Secretary of Labor, U.S. Department of Labor, Washington, D.C., June 26, 1970 (with enclosure) ---- 5828
    Wragg, Otis O. III, managing editor, the Ledger, Lakeland, Fla., July 18, 1970 ---- 5558
Questions posed by the Senate Subcommittee on Migratory Labor to the Department of Labor concerning migrant and seasonal farmworker housing and answers subsequently submitted ---- 5829

MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

(Who Is Responsible?)

TUESDAY, JULY 21, 1970

U.S. Senate,
Subcommittee on Migratory Labor of the
Committee on Labor and Public Welfare,
Washington, D.C.

The subcommittee met at 9:30 a.m., pursuant to recess, in room 318, Old Senate Office Building, Senator Walter F. Mondale (chairman of the subcommittee) presiding.

Present: Senators Mondale (presiding), Saxbe and Schweiker.

Committee staff members present: Boren Chertkov, counsel.

Senator Mondale. The subcommittee will come to order.

Today, we begin the 2d of the 3 days of hearings in which we are making inquiry into the misery and powerlessness of migratory farmworkers, and who might be responsible.

Yesterday, we heard a team of doctors, with emphasis on conditions of farmworker health, nutrition, and housing.

This morning, we will attempt to determine why Federal programs do not reach this population, who is blocking the progress and perpetuating the misery at the local level. We will also hear from a witness representing the Project for Corporate Responsibility. All of this is designed to seek answers to the incredible plight and misery which has continued over the decades, despite all efforts to the contrary.

I would like to add at this point that Congresswoman Shirley Chisholm has requested an opportunity to testify before the subcommittee. I am honored that she has an interest in our study, and it stands as a tribute to her concern for all oppressed people. In a most eloquent statement she pinpoints the responsibility of all Senators and all Congressmen to the migrant, noting that they are otherwise politically powerless and without representation.

Because of schedule complications, Mrs. Chisholm cannot be with us. But, without objection, I would like to order her statement printed in the record, as though read.

(The prepared statement of Congresswoman Chisholm follows:)

PREPARED STATEMENT OF HON. SHIRLEY CHISHOLM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman. I would like to take this opportunity to commend you, Senator Mondale, as well as the other members of this subcommittee for the laudable efforts you have made in focusing public attention upon the problems of migrant farmworkers. That intolerable conditions persist is not due to a lack of effort on your part. Rather, it is due partially to a lack of more legislators who are as knowledgeable and concerned as this small group here today.

I speak to you not as a migrant worker or even as one who has a great deal of expertise in the area of migrant problems. I speak rather, as one who is concerned and as one who is committed to the struggle of oppressed people everywhere to gain a fair share in the benefits of American society. I come, too, because I feel a personal responsibility to those who have no representation in our Government. All Members of Congress, regardless of their geographic location within the country, have a moral obligation to represent migrant workers. I say this because the very definition of migrancy excludes migrants from many of our traditional political processes. The high degree of mobility necessitated by the seasonal nature of harvesting usually makes voting impossible. Migrants therefore, because they cannot vote and because they are obligated to travel, are not really in anyone's district. They are not really in anyone's State. They are found in all our districts and in all our States and we must be cognizant of this if migrant workers are to receive the adequate representation they deserve.

I am not needed, as a resident from Brooklyn, to describe the inhuman conditions under which migrant workers are forced to live. I have seen the testimony previously presented before this subcommittee and know that I could add little in terms of description. You have heard all of this information for years; you know the problems. You have heard the transparent excuses from avaricious businessmen who perpetuate human suffering by continuing their brutal exploitation of workers. You have heard the solutions which have been offered. You have heard all of these things and you have expressed genuine concern. For that I commend you. But this concern, no matter how genuine, doesn't feed hungry people, nor does it adequately clothe them. Concern doesn't send children from the fields into the classrooms for help in restoring human dignity. The concern exists but the problems persist. What is needed, it seems, is not more testimony; nor more excuses from growers. What is needed rather, is a positive program of action which insures a decent life for those who are forced to work as migrants. I believe, in conjunction with the United Farm Workers, that the key to that insurance is unionization. My testimony, therefore, focuses on the need for organizational efforts within the farm-labor community and the barriers that this unionization faces.

THE NEED TO UNIONIZE

One of the most graphic ways of illustrating the need for unionization is to examine the differential between the average wages earned in industry and the average wages earned by farmworkers who have yet to unionize. Frequently, those in industry earn twice as much per hour, in addition to fringe benefits, for doing work which takes little skill and is less physically exhausting. Furthermore, the differential is increasing. In 1948, the average California farmworker earned 62 percent of the hourly wage of his counterpart in manufacturing. In 1965, the average farmworker's earnings had slipped to 46 percent of the wages earned by the average worker in manufacturing.

Collaborating evidence for the need to unionize can be clearly seen by comparing wages and working conditions before the formation of UFWOC with the conditions resulting from the recently signed union contracts. The statistics sometimes vary, but they all tell the same story. Before union contracts, workers earned about $1.33 per hour. The California union contracts call for $1.80 per hour plus 20 cents per box of grapes. Before UFWOC there was no provision for elderly migrants who are without pensions. The new union contracts provide an economic development fund to help care for these people. Before the union there were no paid vacations, no acceptable grievance procedures, no standards for safe and tolerable working conditions, no guarantees of decent health facilities, few safety requirements, and no help in covering prohibitive medical expenses. Many of the union contracts provide all of these minimal services.

Statistics show that overall farm production is increasing while the number of farmworkers is decreasing. In 1968, for example, agricultural production more than doubled the 1950 output, yet only about half as many workers were used to produce it. This is due primarily to increased mechanization. Some have pointed to these statistics and used them as a justification for discouraging unionization within the farm industry. "Why should you waste your time forming unions? There won't be any jobs left pretty soon. Machines will be doing it better and faster. You should spend your time learning a new trade." Yet precisely the opposite is true. An increased reliance on automation makes unionization both easier and more essential. Easier, because mechanization tends to structure the labor market thus facilitating organizational activity and more essential because those workers displaced deserve a share in the jobs created by automation, a share which can only be gained by a strong union. Someone will have to run the machines which replace handworkers. The union is necessary to insure that those who have spent their lives in farm labor will be given first choice at the new, high-paying mechanized jobs. The union must be present to prevent inexperienced Anglos from taking all of the good jobs from the Chicanos and blacks who have worked their entire lives in the fields. The union is also necessary as a means of retraining those workers who are displaced and who are unable to find farm-related work.

The UFWOC contracts recently signed with the California growers provide that the employers contribute 2 cents per box of grapes to an economic development fund which would be partially used to retrain workers displaced by automation. Without unionization those cut off by automation would be left to fend for themselves in a world which is completely alien to their previous way of life. Hopefully then, unionization will protect the worker as the farm industry becomes increasingly dependent on machines. If the union exists and is successful in placing its workers in the high-paying jobs created by automation, then those that will be displaced will be the wives and children of those receiving the new jobs. It is these people who should be displaced because they will no longer be economically dependent on family stoop labor.

A less conspicuous, yet perhaps equally important, reason for unionization is that the struggle to organize is a process by which migrant workers benefit—not only from the resultant union but from the process of organization. The struggle, in itself, is beneficial in two ways. First, it tends to focus attention upon the problems of migrant workers. Second, and more importantly, the fight of oppressed people to liberate themselves from the bonds of economic exploitation increases one's self-respect and affirms one's humanity. You cannot be set free. You must set yourself free. Unionization can play an important role in that necessary struggle.

Unionization can further be seen as the best solution to the problems of farmworkers if one examines the alternative courses of action. One response would be to do nothing and hence depend upon the good nature of the growers. Farmworkers know too much about the good-natured growers to do this. Another way of attacking migrant problems would be to depend solely on legislative initiative from Congress. Historically speaking however, this would be unwise, all too often farmworkers have watched helplessly as their chance for a decent life was compromised away in the name of "idealistic pragmatism," Thus unionization is the only alternative which is both viable and effective and which includes the workers themselves as the most important resource in the struggle.

Realizing then, that unionization is essential if migrant workers are to share equitably in the benefits of American society, one must then examine the barriers which exist to organizational activity. They are by no means obstacles which are easily overcome; however, neither are they insurmountable.

BARRIERS TO UNIONIZATION

The growers

Perhaps the most obvious barrier to unionization is the steadfast obstinancy of the growers themselves. They have constantly refused to meet with workers to discuss even the most reasonable and mutually beneficial agreements. Those that have met have done so reluctantly and primarily because the economic sanctions employed eventually became effective enough to damage their all-important margin of profit. Not having had previous experience with unions, the growers are fearful and thus unable to see the benefits unionization has for them. Specifically, they have failed to take note of recently signed union contracts which prohibit consumer boycotts, lockouts, and strikes during the harvest season. These are the things to which the growers are now so susceptible and it is these things which tend to hurt the farming industry. If unionization is necessary and if the growers refuse to voluntarily cooperate, then economic sanctions will be employed even though they may have a short-term crippling effect on the economy of farming. The workers will do what is necessary to insure themselves a just wage and decent living conditions. It is up to the growers to decide whether or not they will cooperate and thus help their own industry.

The nature of migrancy

The most highly publicized obstacle to unionization is the nature of migrant farmwork itself. It is seasonal and thus creates a high degree of mobility. The workers seldom are in one place long enough to facilitate organization. This constant mobility coupled with a short job tenure tend to destroy the community of interest which draws workers toward unionization. There is, furthermore, an oversupply of labor in migrant farmwork which decreases the chances for successful strikes and makes organizational activity more difficult. Potential scab labor abounds. Often the growers use techniques reminescent of Steinbeck's "Grapes of Wrath" in order to encourage an oversupply of labor. The annual worker plan, which is financed by the Farm Labor and Rural Manpower Service and has as its ostensible purpose increased efficiency in matching capable workers with available jobs, is used frequently by growers as a means to overrecruit.

The absence and abuse of litigation

A third major barrier to successful unionization is the absence of even minimal legislation to protect and encourage farm unions. You are all aware, I know, of the exclusion of farm labor from the provisions of the National Labor Relations Act and of similar exclusions throughout the history of the labor movement in America. There is currently no legally sanctioned right to organize or principal of majority rule for the selection of employee bargaining representatives. Similarly, there are no uniform prohibitions against unfair labor practices. This lack of legislative safeguards has prevented the establishment of a tradition of collective bargaining and reasoned negotiations—a tradition which has been very beneficial to other unionized industries, of those few laws that do exist, most are either poorly and inequitably enforced or for some reason are not applicable to migrant farmworkers. Examples of this are too numerous to mention. The enforcement of immigration standards and child labor regulations can only be called shoddy at best, similarly, the few and pitifully inadequate minimum wage laws that do exist mean little when the government looks the other way while blatant violations occur. Other legislation has subtly excluded farmworkers. Social security for instance, is rarely available to migrants because the nature of their work makes it difficult to determine employer-employee relationships, and because of the corruption which is associated with the deduction of social security taxes by some employers and crew leaders. Furthermore, in most States, residency requirements usually eliminate migrants from the food stamp program, welfare assistance, and existing health services, leaving workers to care for themselves out of their meager earnings.

The Workers

A decidedly less difficult barrier to overcome, yet in some instances a very real one, is the workers themselves. In many cases the workers' only experience with unions has been the exploitative grower-controlled unions or those set up by avaricious labor contractors. These experiences have left a deep-seated cynicism toward organizational activities. In some situations there have also been certain cultural blocks to successful unionization. Occasionally the concept of La Raza has been perceived by Chicano workers as antithetical to unionization. In other cases however, La Raza has been a positive force and advantageous to union organizers. There are also thousands of "casual workers" among the farm labor population—those who work on farms on a part-time basis. Often they are not as interested in union activity because their standard of living is not solely dependent upon farm-labor working conditions. The effects of this occasional cynicism and apathy are minimal. They become even less important because of the tremendous efforts of the UFWOC who have shown workers that their union is different, that the growers can be beaten, and that their greatest resource is the workers themselves.

Racism

Not the least of the barriers faced in the struggle to unionize is the institutional and individual racism which pervades American society at all levels. To overlook people's aversion to, and hatred of, differences in others is to overlook one of the most important dynamics operating in any social situation—it is to overlook the racist cancer which continuously erodes the principles upon which this country was founded, the fact that the eastern migrant stream is predominantly black is no accident. The fact the migrants of the western stream are almost exclusively Chicano is no accident either. Both are manifestations of institutional racism. Blacks and Chicanos are disproportionately represented among migrant workers primarily because American society is fundamentally racist—because migrancy is the worst kind of work and hence the only kind available to many people of color.

People who are forced to travel as migrants are seen in the communities in which they work as "different"—the commonly accepted euphemism for dirty, diseased, immoral, and generally unwanted. As harvest time approaches, farmers and other members of the "community" anxiously await the arrival of their migrants, as harvest closes, they await, with equal anxiety, their departure. Psychologists, and sociologists, most notably Gunnar Myrdal and Kenneth Clark, have written detailed studies about the effects of this kind of discrimination on the people who are its victims. Certainly this psychological impact is one more barrier to successful unionization of migrant workers.

Caesar Chavez has spoken about another kind of racism—a subtle form but one that greatly hinders the development of farm unions. He has perceived that somehow the growers are surprised that their workers are not happy. Somehow the corporate farmers don't like the idea of negotiating with "dumb Mexicans." What they are finding out is that their facist stereotypes are false, that Chicanos are not lazy and dumb and satisfied, but rather, intelligent and militant about obtaining a just share of the benefits of American society. What these growers have found out and what all of America needs to find out is that social revolution is not coming—it is here.

Senator Mondale. Our first witnesses this morning are Mr. Efrain Fernandez and Mr. Roger Dunwell, from the Rio Grande Valley of Texas.

Senator Yarborough will be here shortly. He asked that his best wishes be extended.

You may proceed.

STATEMENT OF ROGER McCLURE DUNWELL, LAWYER, RIO GRANDE VALLEY, TEX., REPRESENTING UNITED FARM WORKERS ORGANIZING COMMITTEE

Mr. Dunwell. Senator Mondale, honorable members of the subcommittee:

My name is Roger McClure Dunwell. I am a member of the bar of the State of New York.

For the last 11 months, I have been working with the United Farm Workers Organizing Committee and Colonias del Valle, Inc. in the Lower Rio Grande Valley of Texas, particularly in Hidalgo County.

The testimony I have been asked to present comes from our experiences in the valley.

My testimony takes two forms. First, I am submitting a prepared statement which totals about 80 pages. Because of its length, I prefer not to read the statement in its entirety. I propose, instead, to emphasize those portions of the statement which the Texas branch of the United Farm Workers Organizing Committee feels most important.

You heard yesterday in chastening detail, of the disease a group of visiting doctors found in Hidalgo County, Tex. The story they told, as poignant, as tragic as it was, could scarcely have taken any of us by surprise. We know, have known for years and decades, that such disease exists. The simple truth is, as you said yesterday, Senator Mondale, that those who care have not had the power to make any difference.

A doctor said to you yesterday that only you could help. I am not convinced that this is true. We need the assistance and support of Government officials now more than ever, and know that we can count on honest men, like yourselves, to stand by our side.

We also know now that success will only come from the efforts of the farmworkers themselves. Only a strong, brave, and independent organization of farmworkers can forge the very basic changes that must come about. There is no more eloquent example of the truth of this than the increasingly successful struggle of the United Farm Workers Organizing Committee. They must succeed. They will succeed.

THE POLITICS OF EXPLOITATION

If we look at the problem of poor health in isolation, we would be forced to conclude that disease persists for a lack of sufficiently funded intelligent programs and personnel. To do so would be a mistake, for although such conclusions may inevitably follow from yesterday's testimony, we have only been talking about disease. We haven't detailed the lack of housing, food, clothing, sanitation and education upon which a healthy and productive life must be based.

We could hold hearings on any one of these areas, concluding in each that new or better governmental programs will do the trick. Unquestionably, they would help in varying degrees, but the one factor underlying each deprivation, underlying, too, what is gloriously referred to as the American way of life, is money in a man's pocket. Until the farmworkers earn a decent wage, no fundamental changes will be seen.

Food is big business. Though the small farmer is being caught, like the farmworker, by the growth of agribusiness, many people are making a lot of money by producing food. Food is such big business that even the most naive must be forced to ask himself, "If agribusiness is so profitable, why hasn't the farmworker prospered with the big growers?"

Quite obviously, he could have. He hasn't because the large growers have decided that they would rather live in imperial luxury, surrounded by want, than give their employees a fair wage. Also apparent is that far from seeking to help the farmworker in his efforts to right the imbalance, Federal, State, and local government has consistently abetted and encouraged the large growers.

Consider the variety of State and Federal laws which exclude or discriminate against the farmworker. He was excluded from the Wagner Act. He is given a considerable lower wage under Federal and Texas minimum wage laws.

Despite the alarming accident rate, he is excluded from workmen's compensation, forced to rely on archaic, employer-weighted tort law. He isn't entitled to unemployment compensation if laid off from field work.

To qualify for coverage under any social security program, he must earn twice as much per quarter. (Compounding the problem, some growers will not send in social security deductions.) As far as the Social Security Administration is concerned, a farmworker who reaches retirement age, his body gnarled from farm work, may never have earned a dollar in his life.

The catalog could go on. Rather than explore each example in detail, I should prefer to concentrate on Texas' occupational health and safety laws.

The most basic protections do not exist. The Texas Occupational Safety Act, which should and could be developed to provide safety standards for the transportation of migrants, for field sanitation, for drinking water, for protective devices for pesticide applicators, lies virtually dormant. There is no incentive to protect the farmworker, since it is solely upon him that the burden of accidents falls.

Then there is the border. Wetbacks and persons holding resident cards (who really reside in Mexico), commute daily into Hidalgo during the winter, and fill the crewleader's trucks going north in the summer. Growers encourage the permeable border, for the Mexicans will work for much less, since they cannot complain if they are paid below the minimum wage. Labor contractors know this and set up recruiting stations and shapeup stations at the bridge.

When work becomes very scarce, even American citizens, living in Hidalgo County, will go to the shapeup station attempting to pass as a resident of Mexico.

The border is doubly satisfactory to the growers, for while it contributes enormously to the already swollen labor market, it also forces the American Chicano to see his Mexican brother as the source of his problem. There is only so much work; the work must be fairly paid, no matter who does it.

The growers have been successful until recently in playing off brother against brother to drive wages down because there is no penalty for using illegal labor. (Tony Orendain has suggested that if growers were fined $1,000 for every illegal laborer found in their fields, the use of illegals would quickly end.)

That the grower-incited internecine suspicion is not what it once was is due to no change in the border, or in the competition, but rather the growing awareness among Mexicans and Mexican Americans that they have a common interest in fair wages.

Well-meaning Government officials have tried to help. HEW staff members came to the valley in a series of visits designed to develop comprehensive health planning. The visits came to naught. On the other hand, other officials clearly don't care.

At a recent meeting of the Lower Rio Grande Valley Development Council, 25 people attended. There was an active discussion for 1 hour on an emergency road service grant, plus a pitch from a Motorola salesman selling communication equipment. Then there was a 20-minute discussion of health care.

Free clinics in McAllen and Weslaco were proposed. The Weslaco hospital administration said they didn't want the clinic, unless it could be guaranteed that there would be no cost to the hospital.

Meanwhile, incredible crop subsidies pour into the valley; $16 million annually, $8 million into Hidalgo alone. One wonders who is really driving the welfare Cadillac. None of the $8 million is going to farmworkers as wages. If the growers' subsidies had instead been directed to the farmworker in the form of a health insurance program, 100,000 persons could have received $80 apiece, and we wouldn't be here today discussing health.

The men and women who have consolidated great fortunes in the valley have been able to do so because of a variety of factors. Some I have touched on—the border surplus labor dynamic which has made labor a forced subsidy, strong lobbies emasculating legislation which would have treated farm labor like any other kind of labor. Heavy rural representation in Congress was equally central.

Only a sophisticated, detailed history of the growth of Hidalgo County would fully explain how the exploiters built their fortunes. For present purposes, it is enough to remember that it was done in a relatively short time, mostly since the 1920's and the development of the grower-dominated Government funded irrigation districts which made possible intensive use of land. Armies of cheap Mexican labor were encouraged to come and work the fields. Cheap labor and inexpensive land fostered two other developments—the real estate speculation, in which the Bentsen family has figured prominently, and winter tourism.

I have often referred to growers as exploiters, but I have used the word loosely and, perhaps, inaccurately. The exploiters are not the majority of the growers. The number of farm units in each of the four valley counties is diminishing. The small grower is caught in a squeeze. Little profit accrues in a small growing operation, particularly in the crops grown in the valley.

Packing sheds, shippers, and marketers receive the greater part of the return on the produce. Increasingly successful are the growers who also have packing and marketing facilities, like the Schuster family. Parenthetically, Frank Schuster received $77,244 in subsidies during 1969. Carl Schuster received $65,151. (Mrs. Carl Schuster remarked to an interviewer that welfare was destroying the initiative of the poor to work, and that the poor were unwilling to work when welfare is available.)

Shary Land Farm, recipient of one of the largest USDA subsidies ($125,000 in 1967; $115,000 in 1968), has its own shipping interest. Former Governor Alan Shivers married into this family. Marialice Shivers, with the same address as Shary Farm, is recorded for 1968 as receiving $26,000 in ASCS payments.

Another successful grower, packer, and marketer is Griffin and Brand. Griffin and Brand, a nationwide corporation with several subsidiaries, is a salient example of a burgeoning trend to grow in Mexico, pack and ship from the United States.

Attracted by cheap land and even cheaper labor, the agribusinesses like Griffin and Brand are deserting the labor force they once induced into the country. The movement to Mexico is substantial enough to worry even the Florida Fruit & Vegetable Association which, like California growing concerns, has heretofore managed to compete successfully with south Texas due to higher efficiency and superior transportation facilities.

Nevertheless, agribusinesses such as Griffin and Brand, Elmore and Stahl, John B. Hardwick, Louisiana Strawberry and Vegetable Co., and Rio Farms, continue to keep substantial land holdings in the valley. They anticipate the demise of their smaller competitors, and continue to exploit the workers.

An interesting example of the lengths that even an operation as large as Griffin and Brand may go to gouge their employees occurred last fall. Workers were picking peppers for G. & B. at 30 cents a basket. At about 11 a.m., the field man came in and dropped the price to 25 cents, retroactive. Three workers came to us to complain.

We called the Department of Labor in McAllen, and were referred to the Harlingen office. The Department of Labor pointed out that it was Friday, and that nothing could be done until Monday. But on Monday the investigators had a meeting upstate and would be tied up for a week or more. We called the Houston office of the Department of Labor. Two hours later, Harlingen called back and announced that investigators were coming over because they had received authorization for overtime.

A packing shed ran afoul of the Department of Labor last year for the same type of minimum wage violation. The Department of Labor found that the company owed its workers approximately $10,000. On information, most of the money is still in the bank because the shed did not have to mail out the checks to the workers affected. Each worker must ask for his own check. Many did not even know that the Department of Labor had found the violation.

The kind of statement made by Mrs. Schuster, that growers cannot find labor in the valley any more, is interesting in the context of the exodus to Mexico. Increasingly, labor is used in very high concentrations, often in conjunction with machinery, but for very short periods of time.

A typical harvesting operation on, say, a 40-acre field, may involve six or eight large trucks full of workers, perhaps over 100. They will harvest the field in short order, each worker earning $3, maybe $4. Then the work is finished. The produce is hauled to the sheds, and there is no more work for the harvesters. The trucker takes a cut from the worker's pay, and he is left with almost nothing to show for his work.

Despite Mrs. Schuster's complaint, I had never seen a day go by when there weren't workers available at the bridge, or in the shape-up stands in town.

The low utilization of labor and low wages also raise interesting questions about the labor cost to the grower and the consumer. A grower spends about 0.4 to 0.8 cent per pound to pick tomatoes, including a margin for waste. Repackaging flats adds slightly over 1 cent, for a total labor input of 1.9 cents per pound. Sold in local markets for 29 cents a pound, labor accounts for only 7 percent of retail cost.

A 25-cent head of lettuce costs 2.2 cents to pick and pack; a 1-pound bag of carrots, selling for 19 cents a pound, costs only 1.2 cents to pick and pack.

Higher wage scales would hardly be a disaster to anyone. Tripling wages would result in only a 2.5-cent increase in the market cost of carrots, assuming that agribusinesses tried to pass on the whole cost to the market. If all growers, packers and shippers were forced to pay the tripled wage, none would suffer a competitive disadvantage.

I am not suggesting that merely tripling current wage scales would be fair, but that there is no general public interest in denying the worker a fair wage. Indeed, there is reason to believe that the poor and the middle-income consumer have interests which dictate a friendly alliance.

A successful organizing effort among farmworkers would substantially reduce the need for Government programs that may cost a lot, but offer little. By supporting the farmworker, the consumer is avoiding the waste of his income.

No analysis of the valley power structure would be complete without a reference to the Bentsen family.

The elder Lloyd Bentsen came to the valley from Minnesota in the 1920's and built an extensive land business. In the intervening years, the family diversified its holdings and interests. It owns now a drugstore chain, Medico, banks, real estate companies, and even an agrichemical business affiliated with Union Carbide. The family still owns extensive citrus acreage, but its primary influence is in the capital market, where, with the Newhouses, it dominates the valley.

Although a Chicano-oriented bank would undoubtedly be a success, local Chicano businessmen have been frustrated in their attempts to organize such a venture by the Bensen-Newhouse hegemony. One member of the Bentsen family sits on both the McAllen School Board and the board of the hospital. (Othal Brand, of Griffin & Brand, sits with Calvin Bentsen on the school board. Both are especially reactionary.)

Though less so today, the town of Mission has long been a kind of Bentsen patrimony, ruled by the Bentsens for the privileged Anglo minority.

The Benstens, the Schusters, the Griffins, and the Brands are but a few striking examples of Anglo domination in the valley. Four hundred and ninety-five persons or corporations received subsidies in excess of $5,000 in 1967; 466 in 1968—less than 10 percent of the recipients had Spanish surnames.

In 1969, there were 80 payees receiving in excess of $25,000. Only one had a Spanish surname, Guerra Bros. One expects to see even larger operations emerge. Tenneco, for example, has agricultural acreage in the valley.

Worse than the large subsidies is the attitude of the elite toward their serfs. The most charitable point of view is that the Chicano's lot is attributable to ignorance. Educate people and they will know that they should wash their hands before preparing food, that they should drink fresh water.

Such arguments are ridiculous. Most people know they should wash their hands, but there is no clean water to wash with, because the sewage systems foul the already brackish well water. Most colonias, and many houses in cities, don't even have any water. Sewage systems are expensive to build; water beyond the reach of all but a few.

One colonia pays taxes on a bond issue for a water system that runs near their boundary. They will be paying 34 more years. They can't drink a drop of it, can't even use it to water their gardens, because the water is only for the irrigation of large farms.

Many colonias have been waiting for years for the FHA to approve loans for water systems. One colonia, Colonia Nueva, has sought for 3 years to get water. An Anglo real estate dealer sold the people the land without any water rights. The well water is undrinkable, and the people have to truck in water from nearby Donna. After a long struggle to get temporary water rights, the Colonia sought to join a local water corporation. Mid-Valley, which would have applied for a loan, constructed, and administered the system.

Mid-Valley refused to let them join because their allotment was only temporary, not permanent, though there was virtually no chance that the allotment would have been lost. Now the Colonia is going ahead on their own. If they are lucky, FHA will approve their loan, and they will have water to drink. (In the meantime, they are dry. We recently had a 3-day rainstorm which flooded many areas. A few residents of the Colonia had built cisterns. Not a drop from the deluge fell on Colonia Nueva.)

The frustrations in dealing with the Anglo power structure replicate the frustrations of the sick migrant seeking a government service which would help him. At times, he is met with a smile, always with a "No".

Still, the valley has its ironies.

A Catholic priest was visited early this year by representatives of one of the members of the hospital board. The board member was thinking of starting his own hospital, and wanted a few nuns around to give it aura. The hospital was to be a first-class establishment calculated to take the most affluent clientele away from McAllen General. Irony, however, is infrequent.

RECOMMENDATIONS

Numerous recommendations have been offered for easing the crisis in health. One such recommendation comes from the committee formed at the suggestion of the medical society and meeting under the direction of Dr. Copenhaver, director of the county health department.

The plan, estimated to cost $1 million annually, would seek, in Dr. Love's words, to fill "a gap in delivery of health care to certain economically depressed segments of our population." (Corpus Christi Caller, June 11, 1970.) Information and referral centers would be set up, along with outpatient clinics in Weslaco, Edinburg, and McAllen.

I thing Dr. Love would acknowledge that even with a $1 million annual budget, we will not have a comprehensive health service for all the county's poor. If, as is proposed, 12,000 persons will be treated annually, service will still fall far short of county needs. Serious cases will need hospitalization, apparently not a part of the committee's plan. More important, health will continue to deteriorate as long as water, sewage, and food remain problems.

I have continually stressed what the Texas branch of the union feels will contribute most to good health—fair wages. We do not want new programs which create complacent, tenure-oriented bureaucracies, and don't deliver. We want no new legislation, unless it is designed and is passed to support the farmworker in his struggle to gain a fair wage. We do not want legislation which purports to help, but really traps the workers in a maze of restrictions which would vitiate the farm movement.

The Government and the American people can help, and should. The American people pay for a dual system of welfare; the agribusinesses wax fat on subsidies, expensive public welfare systems fail to meet the needs of the poor. We appeal to our fellow citizens to consider that by supporting the union they will be helping themselves. The Hidalgo farmworker who lavishes our tables with food and the consumer in New Jersey, in Minnesota, in California, Iowa, or Massachusetts, have a real stake in each other's health and well-being. The consumer boycott of grapes is a positive start. It must continue and grow until every farmworker has the rights most of us take for granted.

Donne wrote, "No man is an island, entire of itself." The plight of the farmworker diminishes us all. Let us join together and support him, like the part of us he is.

Senator MONDALE. Thank you, Mr. Dunwell, for an excellent statement.

I will turn now to Mr. Fernandez.

After hearing from both, we will open up the discussion for questions.

Mr. DUNWELL. Thank you, Senator Mondale. For reasons of time, I have presented orally only a summary of my full statement. I would like to submit for the record my entire statement.

Senator MONDALE. Without objection, I order printed at this point in the record your full statement.

(The prepared statement of Mr. Dunwell follows:)

PREPARED STATEMENT OF ROGER MCCLURE DUNWELL, MEMBER, BAR OF THE STATE OF NEW YORK

Senator Mondale, honorable members of the Subcommittee:

My name is Roger McClure Dunwell, I am a member of the Bar of the State of New York. For the last almost eleven months I have been working with the United Farm Workers Organizing Committee and Colonias del Valle, Inc. in the Lower Rio Grande Valley of Texas, particularly in Hidalgo County.

The testimony I have been asked to present comes from our experiences in the Valley.

My testimony takes two forms. First, I am submitting a prepared statement which totals about 80 pages. Because of its length, I prefer not to read the statement in its entirety. I propose, instead, to emphasize those portions of the statement which the Texas branch of the United Farm Workers Organizing Committee feels most important.

You heard yesterday in chastening detail, of the disease a group of visiting doctors found in Hidalgo County, Texas. The story they told, as poignant, as tragic as it was, could scarcely have taken any of us by surprise. We know, have known for years and decades, that such disease exists. The simple truth is, as you said yesterday, Senator Mondale, that those who care have not had the power to make any difference.

A doctor said to you yesterday that only you could help. I am not convinced that this is true. We need the assistance and support of government officials now more than ever, and know that we can count on honest men, like yourselves, to stand by our side. We also know now that success will only come from the efforts of the farmworkers themselves. Only a strong, brave and independent organization of farmworkers can forge the very basic changes that must come about.

There is no more eloquent example of the truth of this than the increasingly successful struggle of the United Farm Workers Organizing Committee. They must succeed. They will succeed.

THE POLITICS OF EXPLOITATION

If we look at the problem of poor health in isolation, we would be forced to conclude that disease persists for a lack of sufficiently funded intelligent programs and personnel. To do so would be a mistake, for although such conclusions may inevitably follow from yesterday's testimony, we have only been talking about disease. We haven't detailed the lack of housing, food, clothing, sanitation and education upon which a healthy and productive life must be based.

We could hold hearings on any one of these areas, concluding in each that new or better governmental programs will do the trick. Unquestionably they would help in varying degrees, but the one factor underlying each deprivation, underlying, too, what is gloriously referred to as the American Way of Life, is money in a man's pocket. Until the farmworkers earn a decent wage, no fundamental changes will be seen.

Food is big business. Though the small farmer is being caught, like the farmworker, by the growth of agribusiness, many people are making a lot of money by producing food. Food is such big business that even the most naïve must be forced to ask himself, "If agribusiness is so profitable, why hasn't the farmworker prospered with the big growers?"

Quite obviously, he could have. He hasn't because the large growers have decided that they would rather live in imperial luxury, surrounded by want, than give their employees a fair wage. Also apparent is that far from seeking to help the farmworker in his efforts to right the imbalance, federal, state, and local government has consistently abetted and encouraged the large growers.

Consider the variety of state and federal laws which exclude or discriminate against the farmworker. He was excluded from the Wagner Act. He is given a considerably lower wage under federal and Texas minimum wage laws. Despite the alarming accident rate, he is excluded from workmen's compensation, forced to rely on archaic, employer-weighted tort law. He isn't entitled to unemployment compensation if laid off from field work. To qualify for coverage under any Social Security program he must earn twice as much per quarter. (Compounding the problem, some growers will not send in Social Security deductions.) As far as the Social Security Administration is concerned, a farmworker who reaches retirement age, his body gnarled from farm work, may never have earned a dollar in his life.

The catalogue could go on. Rather than explore each example in detail, I should prefer to concentrate on Texas' occupational health and safety laws.

The most basic protections do not exist. The Texas Occupational Safety Act, which should and could be developed to provide safety standards for the transportation of migrants, for field sanitation, for drinking water, for protective devices for pesticide applicators, lies virtually dormant. There is no incentive to protect the farmworker, since it is solely upon him that the burden of accidents falls.

Then there is the border. Wetbacks and persons holding resident cards, (who really reside in Mexico), commute daily into Hidalgo during the winter, and fill the crew leader's trucks going North in the summer. Growers encourage the permeable border, for the Mexicans will work for much less, since they cannot complain if they are paid below the minimum wage. Labor contractors know this and set up recruiting stations and shape-up stations at the bridge. When work becomes very scarce even American citizens, living in Hidalgo County, will go to the shape-up station attempting to pass as a resident of Mexico. The border is doubly satisfactory to the growers, for while it contributes enormously to the already swollen labor market, it also forces the American Chicano to see his Mexican brother as the source of his problem. There is only so much work; the work must be fairly paid no matter who does it. The growers have been successful until recently in playing off brother against brother to drive wages down because there is no penalty for using illegal labor. (Tony Orendain has suggested that if growers were fined $1000 for every illegal laborer found in their fields, the use of illegals would quickly end.) That the grower-incited internecine suspicion is not what it once was, is due to no change in the border, or in the competition, but rather the growing awareness among Mexicans and Mexican-Americans that they have a common interest in fair wages.

Well-meaning government officials have tried to help. HEW staff members came to the Valley in a series of visits designed to develop comprehensive health planning. The visits came to naught. On the other hand, other officials clearly don't care. At a recent meeting of the Lower Rio Grande Valley Development Council twenty-five people attended. There was an active discussion for one hour on an emergency road service grant, plus a pitch from a Motorola salesman selling communication equipment. Then there was a twenty minute discussion of health care. Free clinics in McAllen and Weslaco were proposed. The Weslaco hospital administration said they didn't want the clinic, unless it could be guaranteed that there would be no cost to the hospital.

Meanwhile incredible crop subsidies pour into the Valley ; $16 million annually, $8 million into Hidalgo alone. One wonders who is really driving the welfare Cadillac. None of the $8 million is going to farmworkers as wages. If the growers subsidies had instead been directed to the farmworker in the form of a health insurance program, 100,000 persons could have received $80.00 a piece, and we wouldn't be here today discussing health.

The men and women who have consolidated great fortune in the Valley have been able to do so because of a variety of factors. Some I have touched on—the border surplus labor dynamic which has made labor a forced subsidy, strong lobbies emasculating legislation which would have treated farm labor like any other kind of labor. Heavy rural representation in Congress was equally central.

Only a sophisticated, a detailed history of the growth of Hidalgo County would fully explain how the exploiters built their fortunes. For present purposes it is enough to remember that it was done in a relatively short time, mostly since the 1920's and the development of the grower-dominated government funded irrigation districts which made possible intensive use of land. Armies of cheap Mexican Labor were encouraged to come and work the fields. Cheap labor and inexpensive land fostered two other developments—the real estate speculation, in which the Bentsen family has figured prominently, and winter tourism.

I have often referred to growers as exploiters, but I have used the word loosely, and perhaps inaccurately. The exploiters are not the majority of the growers. The number of farm units in each of the four Valley counties is diminishing. The small grower is caught in a squeeze. Little profit accrues in a small growing operation, particularly in the crops grown in the Valley. Packing sheds, shippers and marketers receive the greater part of the return on the produce. Increasingly successful are the growers who also have packing and marketing facilities, like the Schuster family. Parenthetically, Frank Schuster received $77,244 in subsidies during 1969. Carl Schuster received $65,151. (Mrs. Carl Schuster remarked to an interviewer that welfare was destroying the initiative of the poor to work, and that the poor were unwilling to work when welfare is available.)

Shary Land Farm, reicpient of one of the largest USDA subsidies ($125,000 in 1967, $115,000 in 1968) has its own shipping interest. Former Governor Alan Shivers married into this family. Marialice Shivers, with the same address at Shary Farm, is recorded for 1968 as receiving $26,000 in ASCS payments.

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No analysis of the Valley power structure would be complete without a reference to the Bentsen family. The elder Lloyd Bentsen came to the valley from Minnesota in the 1920's and built an extensive land business. In the intervening years the family diversified its holdings and interests. It now owns a drug store chain, Medico, banks, real estate companies, and even an agri-chemical business affiliated with Union Carbide. The family still owns extensive citrus acreage, but its primary influence is in the capital market where, with the Newhouses, it dominates the Valley. Although a Chicano-oriented bank would undoubtedly be a success,. local Chicano businessmen have been frustrated in their attempts to organize such a venture by the Bentsen-Newhouse hegemony. One member of the Bentsen family sits on both the McAllen school board and the board of the hospital. (Othal Brand, of Briffin and Brand, sits with Bentsen on the school board. Both are especially reactionary.) Though less so today, the town of Mission has long been a kind of Bentsen patrimony, ruled by the Bentsens for the privileged Anglo minority.

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Worse than the large subsidies is the attitude of the elite towards their serfs. The most charitable point of view is that the Chicano's lot is attributable to ignorance.

Educate people and they will know that they should wash their hands before preparing food, that they should drink fresh water. Such arguments are ridiculous. Most people know they should wash their hands, but there is no clean water to wash with, because the sewage systems foul the already brackish well water.

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Still, the Valley has its ironies. A Catholic priest was visited early this year by representatives of one of the members of the hospital board. The board member was thinking of starting his own hospital, and wanted a few nuns around to give it aura. The hospital was to be a first class establishment calculated to take the most affluent clientele away from McAllen General. Irony, however, is infrequent.

RECOMMENDATIONS

Numerous recommendations have been offered for easing the crisis in health. One such recommendation comes from the committee formed at the suggestion of the medical society and meeting under the direction of Dr. Copenhaver, Director of the County Health Department. The plan, estimated to cost $1 million annually, would seek, in Dr. Love's words, to fill "a gap in delivery of health care to certain economically depressed segments of our population." (*Corpus Christi Caller*, June 11, 1970). Information and referral centers would be set up, along with out-patient clinics in Weslaco, Edinburg and McAllen.

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!VIVA LA CAUSA!

SUPPLEMENTAL STATEMENT OF ROGER McCLURE DUNWELL, MEMBER, BAR OF THE STATE OF NEW YORK

INTRODUCTION

My name is Roger McClure Dunwell. I am a member of the Bar of the State of New York. For the last almost eleven months I have been working with the United Farm Workers Organizing Committee and Colonias del Valle, Inc. in the lower Rio Grande Valley of Texas, particularly in Hidalgo County.

The testimony I have been asked to present comes from our experiences in the Valley. Much of what follows is dry figures, descriptions of labyrinthian governmental attempts to deal with poverty, disease, or exploitation and their consequent failures. Implicit in the numbers, the programs, the explanations, the shameful history of private and public neglect is something, someone, very human, a tiny baby already crippled for life from polio, a young boy going blind, a worker poisoned by pesticides, an old man twisted with arthritis for whom no welfare program exists. The story is more than one of human disease, it is fundamentally one of a diseased society, which has grown by devouring the spirit and health of the Chicano, and given nothing in return.

My testimony is a product of the efforts of many people; my colleagues at the United Farm Workers, Colonias del Valle, and the National Farm Workers Service Center, the staff of ! *Ya Mero* !, a local Spanish-language newspaper, and Mr. David Leonard, of the Field Foundation, whose assistance in research and preparation were invaluable. I need hardly add that any errors or omissions are entirely my own.

PROFILE OF HIDALGO COUNTY AND THE FARMWORKER POPULATION

Hidalgo County lies in the southernmost reaches of the continental United States, across the Rio Grande from Mexico. Travelling along the rectilinear farm roads south towards the river, one sees the great expanses of cattle ranches, among them a portion of the King Ranch, giving way to the softer, seemingly more yielding semi-tropical farming and citrus lands on which the majority of the farmworkers are employed. To the West, towards Starr County, rolling desert terrain appears, where the moist Gulf easterlies have become dry and scalding like the breath from a blast furnace.

With its climate, which, except for a few chilly months in winter, is stiflingly hot, one would expect that Hidalgo County would be a sleepy, though prosperous county (for there is oil, in addition to the rich soil). In fact, the county can boast of few who are truly prosperous. The majority of the population lives in abject poverty. As for sleep, the county has never been quiet. Once the scene of bloody border wars, and genocidal massacres of Mexicans, it is now the battlefield in a struggle between the few who have and the many who have not. In 1967 Texas Rangers poured into Hidalgo and Starr counties to crush a strike of melon pickers. Today those workers, and thousands like them, are organizing again, and waiting.

Hidalgo County has about 200,000 residents, (the exact number is currently a subject of some dispute between local mayors and the Bureau of the Census). Approximately 30% of the population is "Anglo", that is, of any extraction but Mexican or black. The attitudes of this distinct minority are faithfully reflected in McAllen's *Monitor*, one of several Valley dailies owned by R. C. Hoiles of Santa Ana, California, whose Freedom editorials promote the doctrine that solely by self-responsibility is any good produced and, accordingly, that not only all welfare measures, but even public education and taxation are corrupting. Great wealth, as a correlary, should be a virtue.

Belying the county's poverty, Hidalgo had Texas' largest crop income in 1960, close to $51 million. About 100,000 acres of vegetables are harvested annually, with 65,000 acres in citrus, and 135,000 in cotton (1964–1965 *Texas Almanac*). Nearly all the large farms are owned by Anglos. [See Appendix A]

It is the Chicanos, numbering over 130,000, who work the fields and pick the crops. Living in small colonias, unincorporated settlements which usually have no drinking water, never have sewage systems, in many instances no electricity or telephones, or living in the urban barrios, they are desperately poor. 54% of Spanish-surname families have incomes less than $3000, according to a study made at Texas A&M in October, 1965. A study made at Texas A&M a year later revealed that half the Spanish-surname families had incomes under $2000 per year. [See Appendix B for comparative figures from O.E.O.]

The median family income for Spanish-surname persons in the McAllen area, which is relatively developed, was $2027, (less than half of the U.S. or Texas populations), according to the 1960 census, and there is little reason to suspect that figure has risen significantly. Median school years completed were 3.3., compared with 10.6 nationally and 10.4 for Texas. Standard Metropolitan Statistical Area figures rank three Hidalgo cities, McAllen, Pharr and the county seat, Edinburg, as among those with the lowest income in the nation.

Hidalgo ranks first in the nation in the number of resident migrants, estimated to be about 37,500. Adjacent counties, Wallacy, Starr and Cameron, contain about 50,000 more. I recall looking at a Department of Labor map showing patterns of migration. Lines of migration like saplings rose from California and Florida. Out of South Texas grew a huge tree, stretching its limbs into virtually every major agricultural area in the United States. The migrants may begin leaving the Valley as early as April depending on the work available. By late June, all have left for the North. They will return to their homes from September to November, after the harvests. If they are lucky, work will be available in the citrus groves, or in truck crops—predominantly cabbages, onions, carrots. Later, in the Spring, there is a short, intense harvest of melons and tomatoes. But for many, there is no work. Long lines form outside employment commission offices, and the shape-up stations at the bridge. Unemployment in all occupations reaches 6.8% during November; it never falls much below 6% in any month. It is difficult to ascertain what the unemployment in agriculture may be at any given time. An official at the Texas Employment Commission told me that it might be as high as 10% in December. Actually, the number of persons unable to find full-time employment in agriculture during the winter is probably much higher than ten percent.

The oversupply of farm labor, the reasons for which are discussed more fully below, have resulted in a disastrously low wage scale. A dish washer in a cafe complained to me once that he had been cheated. His employer owed him $15 for working a fifty hour week. The dish washer had received only $12. Gas station attendants may earn well under $1/hour. The average hourly wage in agriculture, despite the federal minimum wage of $1.30, and the new Texas minimum wage pegged twenty cents below (and which does not yet cover piece work), amounts to 98¢/hour. The farm worker may earn as little as $922 for eighty-five days of employment during the year.

The migrant's life expectancy is an unsurprising forty-nine years. Infant mortality is 125% above the national rate, as is maternal mortality. Influenza and pneumonia are 200% above the national rate, tuberculosis and other infectious diseases 250%. Accidents are 300% above the national rate.

In a sense, wage data and disease and accident figures tell the whole story. A handful of people are extremely wealthy, the majority paupers. It is the few who are wealthy who employ the poor. The wealth is simply not being distributed fairly. Concomitantly, the exploited fall victims to the age-old negative feedback system of poverty. Without money, you cannot buy sufficient food, cannot get drinking water, cannot build sewages systems, cannot see a doctor for checkups. Illness and accidents follow inevitably. One has no money to see a doctor, disease becomes chronic, the body dies.

A variety of governmental programs, federal, state, county and municipal, have been devised to meet the needs of the poor. The doctors have already told in chastening detail of their failure. A review of the programs themselves, and of the economic and political milieu in which they operate, explains why.

GOVERNMENTAL RESPONSES TO THE CRISIS IN HEALTH

At first, the variety of health services available through governmental agencies would seem paradoxical; demonstrably egregious health conditions exist in a county which is serviced by Social Security, federal-state categorical assistance and Medicaid, county-state programs, a Migrant Health program, an OEO emergency food and health program, a county welfare program, and city hospitals. Because the Social Security programs are uniquely standard in the operation and eligibility, it is the remaining programs which I would like to review. Social Security will be discussed later, in an analysis of legislation and public responsibility.

The Texas State Department of Public Welfare is directed in the county by Mr. James Covey. If a person in need turns here for help he will encounter a pleasant, concerned and knowledgeable staff. If his situation happens to fit within the three protective services, children, adoption studies or assistance, he may receive aid.

But in Texas aid is limited to four categories: old age, aid to the blind, aid to the permanently and totally disabled, or aid to families with dependent children. There is no general assistance, as in California. Also in Texas welfare payments are limited by the constitution to a ceiling. Even if the four categories are broadly construed, the percentage of the Valley poor who are eligible is very small. Many otherwise eligible indigents are resident aliens, who, though they may have lived in the Valley for many years, are still ineligible for lack of citizenship, the requirements for which include a working knowledge of English. Citizens children are eligible for AFDC, and certain aliens may receive OAA. The poor with few exceptions are excluded. In 1968, only 5225 children in 1607 families received AFDC; 4715 elderly persons received OAA: 98 received Aid to the Blind; 276 received APTD. Many more children need AFDC, but are barred by statutory requirements. Because relatively few elderly are eligible for Social Security retirement benefits, OAA, the obvious alternative, should similarly be much expanded. APTD represents only a fraction of the thousands of persons who are disabled, but barred by rigid statutory requirements or lack of citizenship.

Mr. Covy has privately deplored the state system of welfare, but says he is obliged to administer it the way the people of the state directed through their elected representatives. The county has seven branch offices located in the main cities; if people call in a social worker will be sent out. But Mr. Covey complained that because the salaries are low ($5100–8000), his agency has great difficulty in retaining social workers, many of whom move into teaching positions because the salary is better and extensive travelling not required. Hidalgo County has sixty-five positions, but twenty-eight vacancies. He defended women on AFDC as responsible. The average tenure is eighteen months. Most have good credit ratings. When asked what he deemed to be the most critical problem in the county, he replied: "Lack of continuous, stable employment, due to lack of industry. Money gives status and power. You cannot cover the waterfront with categorical assistance."

For those eligible, Medicaid is clearly a valuable medical resource. Unfortunately, it can take more than a month to receive a Medicaid card. I visited a man who had just lost a leg in a field accident. He had been waiting almost two months to be medically certified by the state for AFDC, and would have waited much longer for certification and a card. Our office called the state office in Austin. They had misplaced his file.

Dr. John Copenhaver administers and directs the County Health Department. (An organization chart of the County Health Department is included as Appendix C.) His office coordinates a variety of preventative, curative and diagnostic services, including city clinics. His office also administers migrant health funds.

An interviewer found him to be:

"An elderly, personable gentleman, near retirement who spelled out in considerable detail the county's acute health needs. He made no effort to conceal the serious deficiencies in all the programs. In every instance the immediate cause was lack of funds to make the programs more than token; but the underlying cause, he stated very bluntly, was the local political situation where those in office reflect the dominant economic interests. To public officials, the County Commissioners and the judge, health is a very low priority. The county hospital was closed down because 'it lost money.' 'The worst problem here is the doctors and the medical association. The state will not approve programs until the County Medical Association pushes for it.' Every program needs more funding, more personnel. 'But human needs are subordinate to political and economic interests.' 'I do not know how to obtain more money. You need a professional advocate.' 'What we need most in the valley is population control. Next, seeing to it that the really sick receive treatment. We need a clinic for the poor.'

"Migrant Health funds for the county were $185,000 for fiscal '69. $139,000 is added as local matching funds. But this figure is obtained by adding local salaries and operating outlays, and so does not represent additional appropriations by the state or county. The money is spent primarily for hospitalization for migrants, then outpatient fee for service, since the latter is deemed the most important. The Health Department has 3 Sanitarians whose job it is to give people advice on sanitary procedures, water supply, housing, rodent control. But they are grossly overburdened and 'don't get below the surface.' There is one health educator for three counties. 'The non-migrant farmworker is out of luck here, he receives no aid until near starvation. The only salvation is to train these people for industry and to have fewer children.' Dr. Copenhaver is aware of many pressing needs, but feels officials do not understand public health needs. Health gives the County Commissioners less trouble and so receives less money. Only emergency situations get attention.' "

Lack of money and support from county officials is not, however, the whole story. It is true the 1970 county appropriation is only $170,881, and that the department asked $18,000 more, that expenditures run only slightly above county expenditures for their jail and correctional facilities. It is also true that there is a real failure within the department itself. Though Dr. Copenhaver is by no means solely responsible for County Health's failure, a statement he recently made is instructive.

Hidalgo County has been suffering a polio epidemic. Fourteen children have been struck by the disease, all but one under the age of two. Three have died. Commenting on the epidemic, Copenhaver said:

" 'Polio is still around because of apathy . . . *I don't think financial status has anything to do with polio*', except for the lack of money to pay for regular visits to a pediatrician. . . 'The sanitary conditions or closeness of individuals might be involved.' " *Valley Morning Star*, July 12, 1970, attached as Appendix D. (emphasis added)

Equally unsettling examples of the attitude prevailing in the department, and the failure of initiative come to mind. Until an N.B.C. film crew came to document the Field survey team's work in the Weslaco labor camp, which is operated by the county, there had been no visits by a public health nurse. Following the attending publicity on the evening news, a nurse made an appearance. In passing, I should mention that conditions in that labor camp, though not the worst in the county, are terrible. There is no interior plumbing. Drinking water comes from public spigots sometimes over one hundred feet away. Communal toilets are similarly located. Overcrowding, perhaps what Dr. Copenhaver had in mind, and deteriorating "apartments" are the order of the day. Some new housing has been added, but it is beyond the reach of most of those who have been forced into the migrant camp.

Another example of the gaps in the county's program is a child who came into our office covered with sores. He had missed the dermatology clinic by two days, and would have to wait twenty-eight days for the next.

The Department is, of course, overworked. Mrs. Ruth McDonald, the dedicated Director of Public Nursing, commented in an interview:

"We have seventeen Registered Nurses and eight Licensed Vocational Nurses, or twenty-five for this population of nearly 190,000. We do only a skimming job. Time and pressure oblige the nurses to make referrals, and that is the end of it. Most of our work is with the migrants, but we are out of money for the year by March 1st., for drugs and hospitalization. We have a Pre-Natal Clinic, but have to limit the number to twelve a week. The doctor spends two hours a week for the clinic. We cannot do follow-up because the number needing service is so great and our staff so limited. The USDA Supplemental Food Program is predicated on need, which means a visit by a public health nurse. We have no social workers. We try to coordinate our Family Planning with OEO Planned Parenthood, but there is inevitable fragmentation."

Mrs. McDonald's critique, like Dr. Copenhaver's emphasis on a lack of funding, is well taken. Still, as examples show, people continue to slip through the interstices of a system which should be coping with their needs. Finally, the failure of the County Health Program comes down to a lack of strong leadership and only token support by the Court of County Commissioners, which governs Hidalgo.

In examining the County Health Department, a number of references have been made to the Migrant Health program. If any program can be singled out as a spectacular failure, it is Migrant Health. The program is by definition aimed solely at migrants, those who have migrated within the last two years.* The program's report estimates its target population as high as 45,000. In the year beginning June, 1969, Migrant Health served 1817 migrants in family service clinics, and through its referral system made fee-for-service arrangements with doctors for 3527. Thus, under 15% of the migrant target population was reached by Migrant Health.

Migrant Health began the year with $160,799. By March 24, 1970, the outpatient service was discontinued, since the drug budget ($18,000—see budget attached as Appendix E) had been overdrawn. Hospitalization (funded at $27,767) had been discontinued on March 16, with the intention of transferring those funds to out-patient services. Emphasis is to be changed from referrals to family clinics. Because the Health Department has been unable to find even one of the projected two doctors for their out-patient clinics, the program is at a virtual standstill. The balance as of July 1, 1970 was down to $37,663.11. To this, a new start supplement of $230,750.00 has been added, which will give a working balance of $268,413.11. The new funds may revitalize the Migrant Health program. We can only hope it will.

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*Effective March 12, 1970, the act was expanded to cover non-migrant seasonal workers.

It is difficult to desccribe the dashed expectations of the migrant community, It was hoped, following the Yarborough hearing in Edinburg in November, that the added funds would quickly put Migrant Health back on its feet. Although the new funds cannot fail to help, the program suffers from real political and structural problems.

First, we have mentioned that the state and local matching funds do not in fact match HEW money. The matching funds represent a figure obtained by adding salaries, buildings, and other assets. This practice is doubly bad. New money is not added, and less services are available for other county needs. Texas and Hidalgo County appear not to care.

In the past, limits have had to be placed on the number of visits per patient, and even with the new funding, will undoubtedly have to be continued. As Tony Orendain once remarked, "The migrant worker here is allowed only three times a year to be sick." Due to these restrictions, families have often sent a child to the doctor's office (there are no house visits) and asked for three times the amount of medicine prescribed, on the assumption that other children, who are also sick, will need the same prescription.

The confusion that resulted from the discontinuation of Migrant Health's major programs has resulted in suspicion and distrust among the migrant community. Referrals were made, but no money was available to pay for drugs or service. The patient knew he was sick, knew what he needed, had been told he could get it, and found that in fact he would not be helped. Expectations were raised, then dashed. The program appeared doubly fraudulent, because the migrant knew the program was federal, and that the government had money. From their point of view, to say that the United States has run out of money seemed less than candid. I, who had no connection with the program whatever, felt embarrassed to try to explain to clients who came asking, "Why?"

The O.E.O. Emergency Food and Medicine program is a rather small program, which provides services only where no other health services are available. The program is budgeted, according to Mr. Eliseo Sandoval, its director, at about $200,000. About 6000 to 8000 persons come in for services each month, about 3000 of these seeking medical attention. Because of the limited funding, few of these are served.

O.E.O. officials appear to view their job as one of acculturating a resistant Mexican-American population to Anglo attitudes and values. That perspective has inevitably clashed with the new Chicano militancy. Whether a much-expanded program could be effective, under the circumstances, is therefore difficult to assess. For the moment, O.E.O. services remain circumscribed.

Hidalgo provides, through its own welfare office, about $64,000 in hospitalization payments for the indigent. The appropriation for 1970, significantly, is $59,000, $5000 less than the amount spent last year. There is also a $10,000 appropriation for hospitalization of the mentally retarded, $7,661 under the actual 1968 expenditures, $8056 under the estimated 1969 expenditures.

The Welfare Department has been the center of a small but growing storm of protests aimed, primarily, at the almost cynically negligent attitudes of its director, Mr. Tom Wingart, and his staff. Mr. David Leonard, reporting on an interview with Mr. Wingart, wrote:

"The director of Hidalgo County Welfare is Mr. Tom Wingart, who had been for many years the county sheriff, but when defeated at the polls had been appointed by County Judge Richardson to this post. A gaunt, elderly man from East Texas farm country, Mr. Wingart grew up in the depression era and remembered proudly how he had refused 'handouts' even though he made only $7.00 a week. His outlook on the valley poor was conditioned by his past. He administers the county commodity as though it was a business. He complained bitterly that it cost the county $250,000 a year to administer because of the need to truck food from warehouses in Corpus Christi. 'There's nobody starving in this county. Anyone who needs food can get it. There's really no problem here in the valley. What we don't handle, O.E.O. takes care of.' Since April, 1969, three substations had been opened in Pharr, Weslaco and Mission. The four offices are open one day a week; all are closed Fridays 'for records, reports and Federal auditors.' Only since February, 1970 had the program been extended to cover resident aliens who could prove residence of five years, though children born in the states could receive food. (In April, as a result of the United Farm Workers Service Center lawyers filing suit, the county has eliminated the residency requirement; that is, is now in line with USDA policy.) Since January, 1969, babies can receive supplementary food, juices, farina, canned milk, when need is certified by a county Health Nurse. Mr. Wingart opposes food stamps as too expensive. 'We would have to increase the payroll.' By his attitude, experience and training, this man is fit for his position only in a county where poverty is held to be the fault of the poor and where saving public funds, or their use for "more important' things, is the higher priority."

County Welfare will pay up to $25.00 for the first day of hospitalization, and $17.50 for each day thereafter. According to Mr. Wingart, the county is going to stop payments for obstetrics.

Despite the attitudes of the staff, which from our experience in bringing the county into conformity with USDA commodity regulations, reflect the attitudes of their masters, the County Commissioners Court headed by Judge Richardson, the hospitalization program could be useful. That the program is not available to a much greater extent is due to the Commissioners Court and the local hospitals.

As Dr. Copenhaver pointed out, in quotation above, there is no longer a county hospital because "it lost money." Hospital facilities are now limited to Edinburg's hospital, the Knapp Memorial Hospital in Weslaco, a small hospital in Mission, and McAllen's General Hospital, which a visiting doctor described as quite spectacular.

It is. A large, imposing building in downtown McAllen, thanks to Hill-Burton aid, it always seems to be adding something new. The care one can receive at the hospital is impressive, and by Northern standards, reasonable in price. My daughter was delivered in the hospital this Spring, and I have only praise for the medical staff.

For the poor, McAllen hospital presents quite a different picture. Although the hospital had an excess of revenues over expenditures of almost $174,000 last year, according to their audit, they are extremely reluctant to take charity patients. They claim to do a substantial amount of charity work (see attached Hill-Burton correspondence, Appendix F), but as a local doctor has said, it keeps such care to a minimum. In our experience, the hospital has never simply admitted a pateient, even from McAllen proper, as a charity case. There is thus some reason to believe that services claimed as free by the hospital may be simply uncollectable accounts.

When one looks at the hospital in more detail, the already disappointing picture begins to look frightening, almost nightmarish at times. Although a local attorney has described the hospital's operating principles as like those of a "used car lot," the hospital attempts to coerce the poor in ways which even the most unscrupulous car salesman would fear to use.

The system works basically as follows: in order to be admitted to the hospital, you must pay a deposit, which varies according to the probable treatment, but is generally in the neighborhood of $150.00. Unless you are referred by a doctor (and the deposit is demanded regardless) you will not be admitted unless you pay, or are in need of immediate, drastic treatment. A women in labor will not be admitted unless she has either paid her deposit, or her bag of waters has broken and delivery is imminent, in which case she may be lucky enough to be admitted through the emergency room.

By way of example, a Mrs. H. was pregnant. Her husband visited the hospital to arrange for the delivery. Our office, which had helped the family in a number of legal matters, was happy to see Mr. H. attempt to get hospital services for his wife. The family had long been living in execrable conditions, without even the fundamental sanitary facilities. Clearly this was a case where a sanitary trained delivery was especially desirable. But the hospital wanted too much money as deposit. When Mrs. H. entered labor, she had to seek a midwife for help. The delivery was complicated, Mother and baby survived, but Mrs. H. had to pay $100 for treatment by untrained, unsupervised and unlicensed midwife, (Texas does not license its midwives.) Thus, for lack of money, Mrs. H. was left to a system discouraged by doctors and unsanctioned by law.

Had Mrs. H. been admitted, she would have found that getting out was even harder. One of our first clients was a man who came to me and complained that the clerk at the hospital had told him that he could not take his one-day-old baby and his wife out of the hospital until he paid. I rushed to the hospital, where I was met by a profusion of denials. Of course Mr. G. could take his wife and baby, but first, how was he going to pay? I suggested to the business manager, Mr. McKellar, that the hospital might simply send the bill, and Mr. G. would pay as he could. Alternatively, a monthly billing arangement might be worked out. Mr. McKellar was uninterested. Instead, he wanted to know why I myself wouldn't pay, since I was in the charity business, or why Mr. G wouldn't sign a promissory note. Many poor people, he advised me, were "deadbeats." Perhaps because it might never have happened before that somone would come to the assistance of a poor patient, Mr. McKellar eventually relented. Mr. G. didn't sign a note, he simply took his wife and child and left. I would be surprised if he can pay the bill for a long time, because his family has scarcely enough for food.

Although Mr. McKellar is quick to deny, indeed expresses concern over, reports that personnel are telling patients that they cannot leave until their account is paid, it does happen. When I took my wife and child out of the hospital (after paying) a nurse told me just that: unless I had paid I couldn't take my family out. I replied that I hoped she was mistaken.

Some patients are induced to sign the promissory note. A Mr. P., thirty-four and married with five children, migrated last in 1968. He has a sixth grade education and an income of $3000, $2400 under the OEO poverty line for a family of his size. He receives OEO emergency food. Mr. P. brought his daughter to McAllen General Hospital for emergency treatment. The girl was admitted, although Mr. P. didn't have the $150 deposit demanded.

The final bill came to $223.60. As an indigent, Mr. P. was entitled to county welfare assistance, which would have paid $95.00 towards the account. Welfare was willing to help, but Mr. McKellar refused to accept the money. He insisted that Mr. P. pay off the balance before the hospital would accept the remaining $95 from county welfare.

Mr. P. signed a promissory note, which appears on the following page. The annual interest rate is 18%. The practice is to take such a note to a bank, particularly the First National Bank of McAllen (controlled by the Bentsen family, a member of which sits on the hospital's board). Mr. McKellar informed Mr. P.'s attorney, David Hall of our office, that in Mr. P.'s case this would not be done, as Mr. P. was too poor to be a good risk for the bank. When Mr. Hall had occasion to take his own child to the hospital to treat a case of pneumonia, Mr. McKellar asked him to sign such a note for the bank.

PROMISSORY NOTE

January 24, 1970.

(City) : McAllen.
(State) : Texas.

For value received, undersigned maker(s), jointly and severally, promise to pay to the order of McAllen General Hospital at the above place Two hundred forty-five dollars and ninety-six cents ($245.96) in 25 consecutive monthly payments of $10.00, and one of $5.96 each beginning one month from the date hereof and thereafter on the same date of each subsequent month until paid in full. Any unpaid balance may be paid, at any time, without penalty and any unearned finance charge will be refunded based on the "Rule of 78's". In the event that maker(s) default(s) on any payment, a charge of 5 percent may be assessed.

1. Proceeds	$223.60
2. (Other charges, itemized)	0
3. Amount financed (1+2)	0
4. Finance charge	$22.36
5. Total of payments	$245.96
Annual percentage rate	18

(Sign) : ________________.

The hospital claims that if it accepts the county welfare payment on charity cases, it runs the risk of not collecting the balance. The undiminished bill becomes a kind of lever in the hands of the hospital to put increased pressure on the patient. These payments have long been a bone of contention between the County Commissioners and the hospital which is of course a city-owned hospital, though in fact the main hospital of the county. The former are unwilling to pay more per diem. The hospital is unwilling to accept the present amount because it falls below the $52.19 average per diem expenses of the hospital. To my knowledge, no one has ever insisted that the hospital accept welfare payments in satisfaction of the *full* bill. Further, the hospital does not even seem to take into account whether, in an individual case, the welfare payments might approach the actual cost of treatment.

To continue with Mr. P., Mr. McKellar suggested he go and find a job. In fact, he said, the construction company working on the new hospital addition was having difficulty finding laborers. I checked the next day with the Texas Employment Commission, who told me this was simply not true, and that work of any kind was hard to find. To conclude Mr. P.'s story, I should point out that legally the hospital has no right to demand that a person sign a note. If the account is in default, the hospital can simply demand payment, sue if refused, and collect the legal interest rate of 6%, which is of course one-third of the interest rate on the hospital notes.

The people are well aware of the peril of becoming entangled with the hospital. One woman, a Mrs. D., had scraped up the deposit money for a serious operation. Her doctor was anxious to do the operation promptly, but Mrs. D. hesitated, fearing she would not get out of the hospital until she paid in full. She did go for the operation, but only after we advised her of her rights, and promised to assist her if the hospital tried to coerce her.

Many people are also afraid of notes, because they represent a commitment on paper. They fear reprisals through loss of their jobs, welfare, or the possibility that if they cannot pay they will never again succeed in getting treatment from doctors, or from the hospital.

The fear of signing is well-founded. Even an open account can be a distinct hazard. The hospital will give their accounts to a collection agency, which then harasses the patient with dunning notices. Some of the collection practices are overtly illegal.

Mr. P., another Mr. P., owed the hospital $105.16. The hospital gave the account to a collection agency (see a copy of a letter from Mr. McKellar to a patient advising him of the use of a collection agency. This particular note is another case.)

McAllen General Hospital,
McAllen, Tex., March 16, 1970.

Re Hospital Account for ——— in the amount of $95.60.

Dear Mr. ———: In our recent letter we advised you of our method of assigning accounts to a professional collection agency when our efforts of collection have failed.

If you will please come in to properly settle this account before the twentieth of this month, this costly collection process can be avoided.

Yours very truly,

H. A. McKeller,
Credit Manager.

The account was handed over to the collection agency, the Central Adjustment Bureau, Inc., of San Antonio. In late April, Mr. P. received two interesting documents. One was something on green paper, legal-sized paper. It was titled. in block letters, PREPARATORY LISTING FOR CIVIL COURT.

PREPARATORY LISTING FOR CIVIL COURT

April 7,1970
(Date)

Before the creditor files suit against you, which would show your name on the court records as a defendant in an action involving non-payment of a debt and having citation issued, we are taking this final step to strongly recommend that you mail your check to this office immediately. Should funds not be readily available, may we suggest that you contact a reputable lending institution to secure the entire amount to pay this indebtedness.

Should we not hear from you within 72 hours, it will be presumed that you do not have defenses or counterclaims to such a court action and we will be forced to recommend to our client that proceedings be started at once.

CENTRAL ADJUSTMENT BUREAU, INC.
COLLECTION DIVISION
1222 N. Main ★ San Antonio, Texas ★ CA 6-1341

May 4,1970
(Final Date)

DETACH HERE — And Enclose With Payment in Our Self Addressed Envelope **TODAY**

To: CENTRAL ADJUSTMENT BUREAU — COLLECTION DIVISION

Gentlemen:

Please do not recommend suit — I am enclosing $__________ in full.

Sign Here

Your Address

Phone

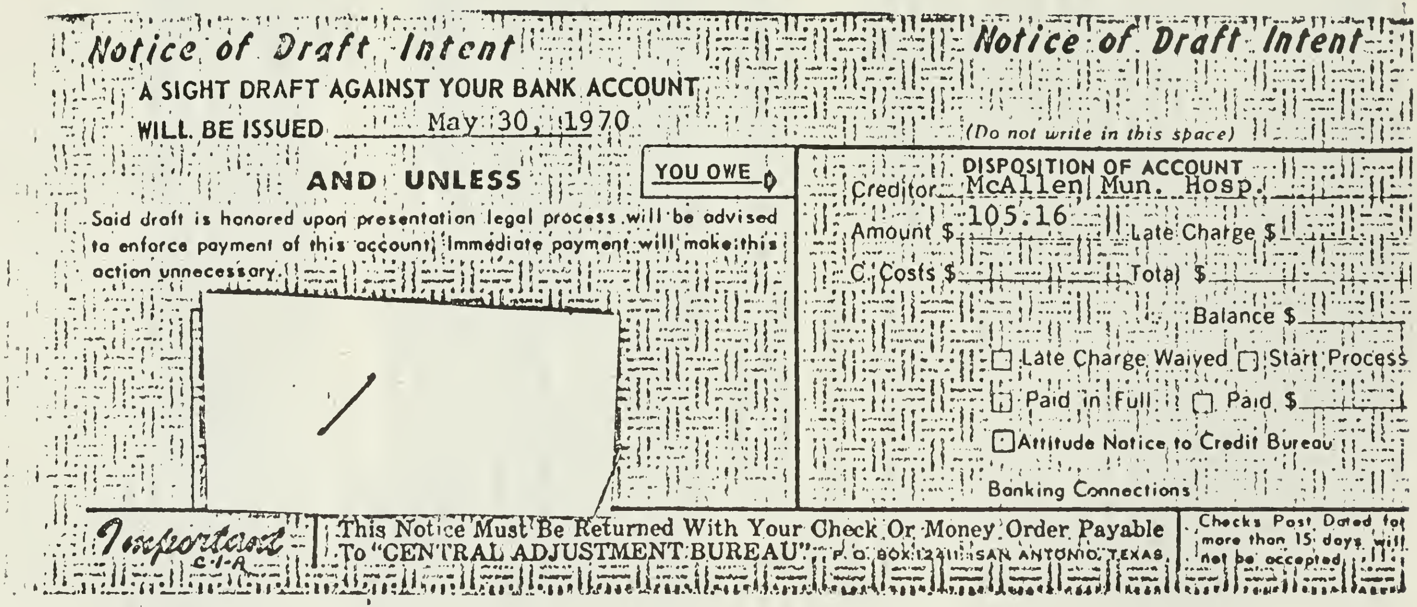
-2-R

Creditor McAllen Hosp

Amount $ 105.16

DO NOT WRITE IN THIS SPACE

☐ CANCEL ☐ FULL
☐ RECOMMEND ☐ PART



Notice of Draft Intent

A SIGHT DRAFT AGAINST YOUR BANK ACCOUNT

WILL BE ISSUED May 30, 1970

AND UNLESS

Said draft is honored upon presentation legal process will be advised to enforce payment of this account. Immediate payment will make this action unnecessary.

YOU OWE ⇨

Notice of Draft Intent

(Do not write in this space)

DISPOSITION OF ACCOUNT

Creditor McAllen Mun. Hosp.

Amount $ 105.16 Late Charge $

C. Costs $ Total $

Balance $

☐ Late Charge Waived ☐ Start Process

☐ Paid in Full ☐ Paid $

☐ Attitude Notice to Credit Bureau

Banking Connections

Important
C-I-A

This Notice Must Be Returned With Your Check Or Money Order Payable To "CENTRAL ADJUSTMENT BUREAU" P. O. BOX 12411 SAN ANTONIO, TEXAS

Checks Post Dated for more than 15 days will not be accepted.

The document was unsigned, but the name of the collection agency appeared on the reply form and on the document itself. The second piece of paper was roughly the size of a check. Labelled "Notice of Draft Intent", it advised Mr. P. that "A SIGHT DRAFT AGAINST (HIS) BANK (WOULD) BE ISSUED MAY 30, 1970." Again payment was directed to be made to C.A.B., Inc. Mr. Williamson, an attorney in our office, was puzzled by the documents. There is no such thing as preparatory listing for civil court, though the document appeared to be of legal significance. Still, the document, for all its legal demeanor, was not signed by an attorney. Similarly, the sight draft was puzzling. How could the collection agency issue a "sight draft" on Mr. P.'s bank account even had he had one? Mr. Williamson was puzzled enough to refer the matter to the Texas State Bar Committee on Unauthorized Practice. A letter from the Committee, included below with the two documents, indicates that there has been a probable violation of Texas law.

A Miss S. has been receiving correspondence from the same outfit. She is not as concerned, as she is only two years old. But her father was concerned, and came to us with the papers. At the risk of duplication, they too are reproduced below. Especially interesting to us as attorneys is a card from C.A.B. which asks "Must I call your employer? If so do not call me at CA 2–8065 (signed) Robert Youngman." This case came to our office less than three weeks ago.

Beckmann, Stanard, Wood & Keene,
San Antonio, Tex., May 28, 1970.

24759—State Bar of Texas (Unauthorized Practice of Law Committee).

Hon. Ted Butler,
District Attorney, Bexar County Courthouse,
San Antonio, Tex.

Dear Ted: As Chairman of the Unauthorized Practice of Law Committee of the State Bar of Texas, I am enclosing herewith correspondence involving this Committee and a complaint received from Mr. Peter D. Williamson of McAllen, Texas.

The complaint against Central Adjustment Bureau, Inc. of 1222 North Main Avenue, San Antonio, Texas, (CA 6–1341), is obvious when you see the so-called "Preparatory Listing for Civil Court" dated April 27, 1970. It is our opinion that this character of document is not only an unauthorized practice of law, but is further in violation of Article 438c of the Penal Code of Texas.

As Mr. Davis Grant, the General Counsel for the State Bar of Texas, points out, this is usually handled by the local District Attorney's Office under Article 438c of the Penal Code and the use of this article of the Penal Code has been very effective in curtailing this practice throughout Texas.

Any assistance you can give us in this respect will be sincerely and deeply appreciated.

I send my best wishes to you, your family and your fine staff. I also take this opportunity to compliment you on the fine job you are doing as District Attorney of our County and extend my best wishes to you for your new four year term.

With every cordial best wish, believe me to be

Sincerely yours,

John Wood, Jr.

Central Adjustment Bureau, Inc.,
San Antonio, Tex., March 13, 1970.

Re McAllen Hospital; amount 160.71.

You have chosen to ignore our many requests for payment covering the above account and this is our final demand.

We would have been happy to have arranged a monthly schedule of payments, but being unable to obtain your cooperation forces us to pursue this indebtedness in a more drastic manner.

A copy of this letter has been prepared for forwarding to your employer, in the event that you fail to come to our office to make full payment within the next five days.

This method is distasteful to us, however, it has been brought about by your negligence. *Remember five days.*

Very truly yours,

J. R. Hall.

Franz & Franz,
San Antonio, Tex., April 9, 1970.

Dear Mrs. : The above account has been transferred to my office for the filing of suit. Litigation in the court of competent jurisdiction can omy be avoided by your immediate attention to this matter, and I am not referring to idle conversation. This case has already been placed in my preparatory court listings, and suit will be filed against you without further notice if payment is not made within 72 hours.

It has been through your unconcern that this matter has to be handled in court. I have instructions from my client, and I am determined to collect this account at whatever expense and inconvenience.

You are doubtless aware that interest, court costs, and attorney fees will be added to the present indebtedness at the moment this suit is filed. Every known legal process will be used against you as it becomes necessary.

If you desire to avoid the additional expense and inconvenience of trial you may mail full payment to: 1019 Camden St., San Antonio, Texas 78215.

Your very truly,

Charles L. Franz, Jr.

Franz & Franz,
San Antonio, Tex., June 8, 1970.

Balance due $160.71.

Dear Mrs. : The above account has been transferred to my office for the filing of suit. Litigation in the court of competent jurisdiction can only be avoided by your immediate attention to this matter, and I am not referring to idle conversation. This case has already been placed in my preparatory court listings, and suit will be filed against you without further notice if payment is not made within 72 hours.

It has been through your unconcern that this matter has to be handled in court. I have instructions from my client, and I am determined to collect this account at whatever expense and inconvenience.

You are doubtless aware that interest, court costs, and attorney fees will be added to the present indebtedness at the moment this suit is filed. Every known legal process will be used against you as it becomes necessary.

If you desire to avoid the additional expense and inconvenience of trial you may mail full payment to: 1019 Camden St., San Antonio, Texas 78215.

Yours very truly,

Charles L. Franz, Jr.

Franz & Franz,
San Antonio, Tex., July 9, 1970.

Balance due $160.71.

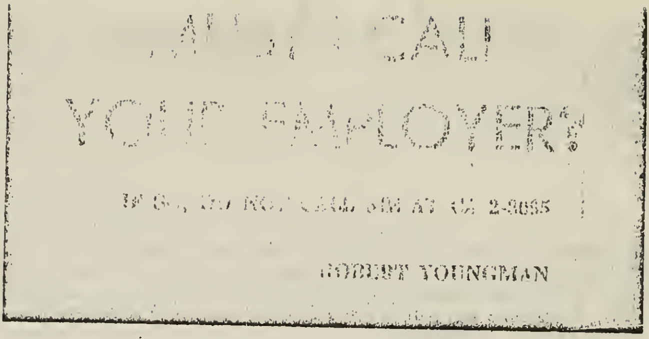
This claim has been transferred to my office with instructions to liquidate the balance within the next five days or file suit in the court of competent jurisdiction.

It is strongly recommended that you mail your check to this office immediately. If funds are not readily available may I suggest that you contact a reputable lending institution to secure the entire amount to pay this indebtedness.

If you desire to avoid the unnecessary cost and inconvenience of litigation you will comply with this request.

Yours very truly,

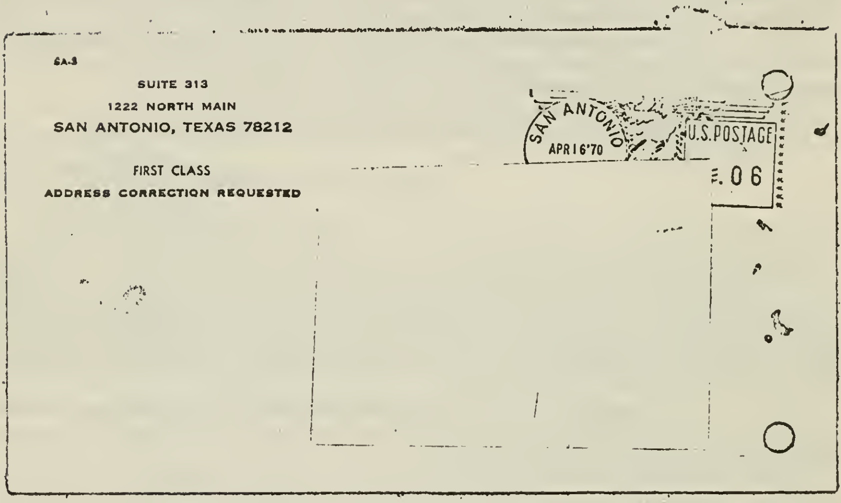
Charles L. Franz, Jr.



[illegible] CALL
YOUR EMPLOYER?

IF SO, DO NOT CALL ME AT CA 2-9855

ROBERT YOUNGMAN



SA-3

SUITE 313
1222 NORTH MAIN
SAN ANTONIO, TEXAS 78212

FIRST CLASS
ADDRESS CORRECTION REQUESTED

SAN ANTONIO
APR 16'70

U.S. POSTAGE
.06

PREPARATORY LISTING FOR CIVIL COURT

July 2, 1970
(Date)

Before the creditor files suit against you, which would show your name on the court records as a defendant in an action involving non-payment of a debt and having citation issued, we are taking this final step to strongly recommend that you mail your check to this office immediately. Should funds not be readily available, may we suggest that you contact a reputable lending institution to secure the entire amount to pay this indebtedness.

Should we not hear from you within 72 hours, it will be presumed that you do not have defenses or counterclaims to such a court action and we will be forced to recommend to our client that proceedings be started at once.

CENTRAL ADJUSTMENT BUREAU, INC.
COLLECTION DIVISION
1222 N. Main ★ San Antonio, Texas ★ CA 6-1341

July 9, 1970
(Final Date)

DETACH HERE — And Enclose With Payment in Our Self Addressed Envelope **TODAY**

To: CENTRAL ADJUSTMENT BUREAU — COLLECTION DIVISION

Gentlemen:

Please do not recommend suit — I am enclosing $ __________ in full.

Sign Here

Your Address

Phone

Creditor McAllen Mun Ho

Amount $ 160.71

DO NOT WRITE IN THIS SPACE

☐ CANCEL ☐ FUL

☐ RECOMMEND ☐ PA

C-2 R

We have reports from two sources, a local doctor and a priest, who informed us that, at least until recently, the hospital would demand the patient's visa, if he was an alien, as collateral for payment. The priest also told us of the hospital's practice of demanding that the patient sign a blank check, even though he had no bank account. The "hot check" would then be given to the district attorney if the patient failed to pay. The priest said that late last Fall, the D.A. had some seventy-six "hot checks" forwarded by the hospital, but that he was unwilling to prosecute, to be a collection agency for the hospital. The hospital promised to stop the "hot check" racket at the time of the Yarborough hearings. The priest believes it may still be going on.

There are other examples of harassment: A Mr. R., hospitalized after an accident in the fields, was told by someone that he had to leave the hospital because his insurance company was not going to pay. A Mrs. L., who went to the hospital to make an application for welfare assistance for a child hospitalized by polio, was told she couldn't make her application there. I checked with state welfare, who said she was to make an initial application at the hospital. When I sent Mrs. L. back to the hospital, the woman at the desk told her she couldn't apply because the child wasn't eligible. I called the hospital, reminding them that it wasn't their job to decide eligibility, simply to accept the completed application. Reluctantly, the hospital accepted the application.

I have mentioned the problem with pregnant women. The hospital policy is so notorious that it is common practice for OEO and other service workers to advise women to stay away from the hospital until labor is well under way and delivery is imminent, then to go to the emergency room and hope for the best.

Finally, and to no one's surprise, the Public Health Department has been unable to persuade McAllen General to set up a referral system.

For the most part I have discussed the institutional structure of health services in Hidalgo. Dr. Love, the chairman of the Hidalgo-Starr medical society will undoubtedly answer in finer detail than I could your questions respecting the attitudes and position of the local doctors. Suffice it to point out that there are 3265 potential patients per doctor in Hidalgo, and 7206 per dentist (Starr has no dentists). (See Appendix B for CAP figures extracted from a "Four County Rural Health Survey" prepared by Louise N. Fischer under Dr. Copenhaver's direction).

Despite the statistics, a few doctors who already have enormous practices (Dr. Casso's office may see from 80–100 patients per day) are doing an outstanding job in handling charity cases. More might help were there a system that brought concerned doctors into contact with poor patients seeking treatment. The city clinic system, which could operate to that end, doesn't because according to reports local doctors are not taking their turns at the clinic. An additional factor, omnipresent in the Valley, is that patients are reluctant to approach doctors for fear that they will only add more debts to their already crushing burdens.

There also seems to be a fundamental conflict in the philosophy of the delivery of health services among medical personnel. While the doctor's home visit has become almost unknown, public health nurses are moving in the opposite direction towards greater preventative and outreach service. If coordinated, the divergent approaches could become complimentary; at present, they are counter-effective.

I spoke of the lack of a system for bringing the needy patient and the concerned doctor together. There is also a lack of a clearinghouse to guide patients to the proper agency. The multiplicity of programs over-lap and are redundant to an astonishing degree, yet there are many who cannot find help—diabetics like Mr. R. who cannot find the treatment which he will need for the rest of his possibly abbreviated life, a mother who cannot find a Probana formula for her baby allergic to all other foods. For the poor, minor medical problems become a crisis, an emergency, a catastrophe. To be sent from agency to agency and turned down at each because you are ineligible, because funds have run out, or because you came the wrong day makes, as one observer has said, for "a world made to the mind of Franz Kafka, who alone could make it seem reasonable and normal, if not entirely just."

The system has failed to such a degree that our clinic at the National Farm Workers Service Center has been getting referrals from public agencies. At first patients would arrive with a referral slip signed, for example, by OEO. After calling O.E.O. to determine why they were referring patients to us, the referral slips began to come in blank, unsigned. Our clinic is small. It operates only three days a week, two hours a day, because we must depend on whatever time Dr.

Casso, the Service Center physician, can spare from his own practice. With one exception, no other local doctors have offered to help. The clinic is a ten by twenty foot space framed by movable partitions. Most of last winter we had no heat. During the summer it is chokingly hot. Nevertheless, for many our meager, almost ridiculously small clinic is the best and only available medical resource in the county and entirely unrelated to any government program.

THE POLITICS OF EXPLOITATION

If we look at the problem of poor health in isolation, we would be forced to conclude that disease persists for a lack of sufficiently funded intelligent programs and personnel. To do so would be a mistake, for although such conclusions may inevitably follow from the preceding analysis, we have only been talking about disease. We haven't detailed the lack of housing, food, clothing, sanitation and education upon which a healthy and productive life must be based.

We could hold hearings on any one of these areas, concluding in each that new or better governmental programs will do the trick. Unquestionably they would help in varying degrees, but the one factor underlying each deprivation, underlying, too, what is gloriously referred to as the American Way of Life, is money in a man's pocket. Until the farm workers earns a decent wage, no fundamental changes will be seen.

Food is big business. Though the small farmer is being caught, like the farmworker, by the growth of agribusiness, many people are making a lot of money by producing food. Food is such big business that even the most naive must be forced to ask himself, "If agribusiness is so profitable, why hasn't the farmworker prospered with the big growers?"

Quite obviously, he could have. He hasn't because the large growers have decided that they would rather live in imperial luxury, surrounded by want, than give their employees a fair wage. Also apparent is that far from seeking to help the farmworker in his efforts to right the imbalance, federal, state and local government has consistently abetted and encouraged the large growers.

Consider the variety of state and federal laws which exclude or discriminate against the farmworker. He was excluded from the Wagner Act. He is given a considerably lower wage under federal and Texas minimum wage laws. Despite the alarming accident rate, he is excluded from workman's compensation, forced to rely on archaic, employer-weighted tort law. He isn't entitled to unemployment compensation if laid off from field work. To qualify for coverage under any Social Security program he must earn twice as much per quarter. (Compounding the problem, some growers will not send in Social Security deductions.) As far as the Social Security Administration is concerned, a farmworker who reaches retirement age, his body gnarled from farm work, may never have earned a dollar in his life.

The catalog could go on. Rather than explore each example in detail, I should prefer to conclude with Texas' occupational health and safety laws. A memo prepared by Kitty Schild, a law student working in our office this summer, is attached as Appendix G. The thrust of the memo is that basic protections do not exist. The Texas Occupational Safety Act, which should and could be developed to provide safety standards for the transportation of migrants, for field sanitation, for drinking water, for protective devices for pesticide applicators, lies virtually dormant. There is no incentive to protect the farmworker, since it is solely upon him that the burden of accidents falls.

Then there is the border. Wetbacks and persons holding resident cards, (who really reside in Mexico), commute daily into Hidalgo during the winter, and fill the crew-leader's trucks going North in the summer. Growers encourage the permeable border, for the Mexicans will work for much less, since they cannot complain if they are paid below the minimum wage. Labor contractors know this and set up recruiting stations and shape-up stations at the bridge. When work becomes very scarce even American citizens, living in Hidalgo, will go to the shape-up station attempting to pass as a resident of Mexico. The border is doubly satisfactory to the growers, for while it contributes enormously to the already swollen labor market, it also forces the American Chicano to see his Mexican brother as the source of his problem. There is only so much work; the work must be fairly paid no matter who does it. The growers have been successful until recently in playing off brother against brother to drive wages down because there is no penalty for using illegal labor. (Tony Orendain has suggested that if growers were fined $1000 for every illegal laborer found in their fields, the use of illegals would quickly end.) That the grower-incited internecine suspicion is not what it once was, is due to no change in the border, or in the competition, but rather the growing awareness among Mexicans and Mexican-Americans that they have a common interest in fair wages.

Well-meaning government officials have tried to help. HEW staff members came to the Valley in a series of visits designed to develop comprehensive health planning. Ray Finney prepared a memorandum of the visits, (they have come to naught), which appears as Appendix H. On the other hand, other officials clearly don't care. At a recent meeting of the Lower Rio Grande Valley Development Council twenty-five people attended. There was an active discussion for one hour on an emergency road service grant, plus a pitch from a Motorola salesman selling communication equipment. Then there was a twenty minute discussion of health care. Free clinics in McAllen and Weslaco were proposed. The Weslaco hospital administration said they didn't want the clinic, unless it could be guaranteed that there would be no cost to the hospital.

Meanwhile incredible crop subsidies pour into the Valley; $16 million annually, $8 million into Hidalgo alone (See Appendix A). One wonders who is really driving the welfare Cadillac. None of the $8 million is going to farmworkers as wages. If the growers welfare had instead been directed to the farmworker in the form of an insurance program, or direct payments, 100,000 persons could have received $80.00 a piece, and we wouldn't be here today discussing health.

The men and women who have consolidated great fortunes in the Valley have been able to do so because of a variety of factors. Some I have already touched on—the border surplus labor dynamic which has made labor a forced subsidy, strong lobbies emasculating legislation which would have treated farm labor like any other kind of labor. Heavy rural representation in Congress was equally central.

Only a sophisticated, a detailed history of the growth of Hidalgo County would fully explain how the exploiters built their fortunes. For present purposes it is enough to remember that it was done in a relatively short time, mostly since the 1920's and the development of the grower-dominated irrigation districts which made possible intensive use of land. Armies of cheap Mexican labor were encouraged to come and work the fields. Cheap labor and inexpensive land fostered two other developments—the real estate speculation, in which the Bentsen family has figured prominently, and winter tourism.

I have often referred to growers as exploiters, but I have used the word loosely, and perhaps inaccurately. The exploiters are not the majority of the growers. The number of farm units in each of the four Valley counties is diminishing. The small grower is caught in a squeeze. Little profit accrues in a small growing operation, particularly in the crops grown in the Valley. Packing sheds, shippers and marketers receive the greater part of the return on the produce. Increasingly successful are the growers who also have packing and marketing facilities, like the Schuster family. Parenthetically, Frank Schuster received $77,244 in subsidies during 1969. Carl Schuster received $65,151. (Mrs. Carl Schuster remarked to an interviewer that welfare was destroying the initiative of the poor to work, and that the poor were unwilling to work when welfare is available.)

Shary Land Farm, recipient of one of the largest USDA subsidies ($125,000 in 1967, $115,000 in 1968) has its own shipping interest. Former Governor Alan Shivers married into this family. Marialice Shivers, with the same address at Shary Farm, is recorded for 1968 as receiving $26,000 in ASCS payments.

Another successful grower, packer and marketer is Griffin and Brand. Griffin and Brand, a nationwide corporation with several subsidiaries, is a salient example of a burgeoning trend to grow in Mexico, pack and ship from the United States. Attracted by cheap land and even cheaper labor, the agribusinesses like Griffin and Brand are deserting the labor force they once induced into the country. The movement to Mexico is substantial enough to worry even the Florida Fruit and Vegetable Association which, like California growing concerns, has heretofore managed to compete successfully with South Texas due to higher efficiency and superior transportation facilities.

Nevertheless, agribusinesses such as Griffin and Brand, Louisiana Strawberry and Vegetable Company, and Rio Farms continue to keep substantial land holdings in the Valley. They anticipate the demise of their smaller competitors, and continue to exploit the workers.

An interesting example of the lengths that even an operation as large as Griffin and Brand may go to to gouge their employees occurred last Fall. Workers were picking peppers for G&B at 30¢ a basket. At about 11 A.M. the field man came in and dropped the price to 25¢, retroactive. Three workers came to us to us to complain. We called the Department of Labor in McAllen, and were referred to the Harlingen office. The Department of Labor pointed out that it was Friday, and that nothing could be done until Monday. But on Monday the investigators had a meeting upstate and would be tied up for a week or more. We called the Houston office of the Department of Labor. Two hours later Harlingen called back and announced that investigators were coming over because they had received authorization for overtime.

A packing shed ran afoul of the Department of Labor last year for the same type of minimum wage violation. The Department of Labor found that the company owed its workers approximately $10,000. On information, most of this money is still in the bank because the shed did not have to mail out the checks to the workers affected. Each worker must ask for his own check. Many did not even know that the Department of Labor had found the violation.

The kind of statement made by Mrs. Schuster, that growers cannot find labor in the Valley any more, is interesting in the context of the exodus to Mexico. A number of growers have made the same observation, and it deserves a reply. Increasingly, labor is used in very high concentrations, often in conjunction with machinery, but for very short periods of time. A typical harvesting operation on, say, a forty-acre field, may involve six or eight large trucks full of workers, perhaps over a hundred. They will harvest the field in short order, each worker earning three, maybe four dollars. Then the work is finished. The produce is hauled to the sheds, and there is no more work for the harvesters. The trucker takes a cut from the worker's pay, and he is left with almost nothing to show for his work. But despite Mrs. Schuster's complaint, I have never seen a day go by when there weren't workers available at the bridge, or in the shape-up stands in town.

The low utilization of labor and low wages also raise interesting questions about the labor cost to the grower and the consumer. A grower spends about .4 to .8 cents per pound to pick tomatoes, including a margin for waste. Repacking flats adds slightly over 1 cent, for a total labor input of 1.9 cents per pound. Sold in local markets for 29 cents a pound, labor accounts for only 7% of the retail cost. A twenty-five cent head of lettuce costs 2.2 cents to pick and pack, a one pound bag of carrots, selling for 19 cents a pound, costs only 1.2 cents to pick and pack. Higher wage scales would hardly be a disaster to anyone. Tripling wages would result in only a 2.5 cent increase in the market cost of carrots, assuming that agribusinesses tried to pass on the whole cost to the market. If all growers, packers and shippers were forced to pay the tripled wage, none would suffer a competitive disadvantage. I am not suggesting that merely tripling current wage scales would be fair, but that there is no general public interest in denying the worker a fair wage. Indeed, there is reason to believe that the poor and the middle-income consumer have interests which dictate a friendly alliance. A successful organizing effort among farmworkers would substantially reduce the need for government programs that may cost a lot, but offer little. By supporting the farmworker, the consumer is avoiding the waste of his income.

No analysis of the Valley power structure would be complete without a reference to the Bentsen family. The elder Lloyd Bentsen came to the Valley from Minnesota in the 1920's and built an extensive land business. In the intervening years the family diversified its holdings and interests. It now owns several national drug stores, banks in the county, real estate companies, mortgage and loan companies, large insurance companies, and even an agri-chemical business affiliated with Union Carbide. The family still owns extensive citrus acreage, but its primary influence is in the capital market where, with the Newhouses, it dominates the Valley. Although a Chicano-oriented bank would undoubtedly be a success, local Chicano businessmen have been frustrated in their attempts to organize such a venture by the Bentsen-Newhouse hegemony. One member of the Bentsen family sits on both the McAllen school board and the board of the hospital. (Othal Brand, of Griffin and Brand, sits with Bentsen on the school board. Both are especially reactionary.) Though less so today, the town of Mission has long been a kind of Bentsen patrimony, ruled by the Bentsens for the privileged Anglo minority. A partial list of Bentsen holdings appears as Appendix I.

The Bentsens, the Schusters, the Griffins and the Brands are but a few striking examples of Anglo domination in the Valley. 495 persons or corporations received subsidies in excess of $5000 in 1967, 466 in 1968—less than 10% of the recipients had Spanish surnames. In 1969 there were eighty payees receiving in excess of $25,000. Only one had a Spanish surname, Guerra Brothers. One expects to see even larger operations emerge. Tenneco, for example, has agricultural acreage in the Valley.

Worse than the large subsidies is the attitude of the elite towards their serfs. The most charitable point of view is that the Chicano's lot is atttributable to ignorance. Educate people, and they will know that they should wash their hands before preparing food, that they should drink fresh water. Such arguments are ridiculous. Most people know they should wash their hands, but there is no clean water to wash with, because the sewage systems foul the already brackish well water. Most colonias, and many houses in cities, don't even have any water. Sewage systems are expensive to build; water beyond the reach of all but a few. One colonia pays taxes on a bond issue for a water system that runs near their boundary. They will be paying thirty-four more years. They can't drink a drop of it, can't even use it to water their gardens, because the water is only for the irrigation of large farms. Many colonias have beeen waiting for years for the F.H.A. to approve loans for water systems. One colonia, Colonia Nueva, has sought for three years to get water. An Anglo real estate dealer sold the people the land without any water rights. The well water is undrinkable, and the people have to truck in water from nearby Donna. After a long struggle to get temporary water rights, the Colonia sought to join a local water corporation, Mid-Valley, which would have applied for a loans, constructed, and administered the system. Mid-Valley refused to let them join because their allotment was only temporary, not permanent, though there was virtually no chance that the allotment would have been lost. Now the colonia is going ahead on their own. If they are lucky, F.H.A. will approve their loan, and they will have water to drink. In the meantime, they are dry. We recently had a three-day rainstorm which flooded many areas. A few residents of the colonia had built cisterns. Not a drop from the deluge fell on Colonia Nueva.

The frustrations in dealing with the Anglo power structure replicate the frustrations of the sick migrant seeking a government service which would help him. At times he is met with a simile, always with a "No."

Still, the Valley has its ironies. A Catholic priest was visited early this year by representatives of one of the members of the hospital board. The board member was thinking of starting his own hospital, and wanted a few nuns around to give it aura. The hospital was to be strictly first class, calculated to take the most affluent clientele away from McAllen General. Irony, however, is infrequent.

RECOMMENDATIONS

Numerous recommendations have been offered for easing the crisis in health. One such recommendation comes from the committee formed at the suggestion of the medical society and meeting under Doctor Copenhaver's leadership. The plan. estimated to cost $1 million annually, would seek, in Dr. Love's words, to fill "a gap in delivery of health care to certain economically depressed segments of our population." (Corpus Christi Caller, June 11, 1970). Information and referral centers would be set up, along with out-patient clinics in Weslaco, Edinburg and McAllen.

I think Dr. Love would acknowledge that even with a $1 million annual budget, we will not have a comprehensive health service for all the county's poor. If, as is proposed, 12,000 persons will be treated annually, service will still fall far short of county needs. Serious cases will need hospitalization, apparently not a part of the committee's plan. More important, health will continue to deteriorate as long as water, sewage and food remain problems.

I have continually stressed what the Texas branch of the Union feels will contribute most to good health—fair wages. We do not want new programs which create complacent, tenure-oriented bureaucracies, and don't deliver. We want no new legislation, unless it is designed and is passed to support the farm worker in his struggle to gain a fair wage. We do not want legislation which purports to help, but really traps the workers in a maze of restrictions which would vitiate the farm movement.

The government and the American can help, and should. The American people pay for a dual system of welfare; the agribusinesses wax fat on subsidies, expensive public welfare systems fail to meet the needs of the poor. We appeal to our fellow citizens to consider that by supporting the Union they will be helping themselves. The Hidalgo farmworker and the consumer in New Jersey, in Minnesota, in California, Iowa, or Massachusetts, have a real stake in each other's health and well-being. The consumer boycott of grapes is a positive start. It must continue and grow until every farmworker has the rights most of us take for granted.

Donne wrote, "No man is an island, entire of itself." The plight of the farmworker diminishes us all. Let us join together and support him, like the part of us he is.

Viva la causa.

APPENDIXES

EXHIBIT A

TABLE 1.—4 COUNTIES OF THE LOWER RIO GRANDE VALLEY DATA

County	Area	1967 population	Number of farms, 1959	Number of farms, 1964	Total farm income, 1967	Total income, all sources, 1967
Hidalgo	1,541	182,192	3,575	2,868	$48,903,880	$224,242,000
Cameron	883	151,098	2,338	1,754	32,292,625	209,738,000
Starr	1,207	20,624	559	520	4,951,570	16,371,000
Willacy	595	20,084	637	547	16,490,696	23,848,000
Total	4,326	373,998	7,145	5,589	102,638,771	474,199,000

Source: Texas Almanac, 1968–69.

TABLE 2.—AGRICULTURAL STABILIZATION AND CONSERVATION PROGRAM PAYMENTS OF $5,000 OR MORE IN 1967 AND 1968

County	Number of recipients, 1967	Number of Spanish names of these	Total amounts	Number of recipients, 1968	Number of Spanish names of these	Total amounts
Hidalgo	495	24	$8.720.380	466	33	$7,654,978
Cameron	466	32	7,733,118	402	28	6,326,346
Starr	21	3	517,857	19	5	489,324
Willacy	226	7	3,198,000	207	5	2,748,373
Total	1,218	66	20,269,355	1,094	71	17,218,373

Note: In 1960 68 individuals or companys received $3,400,000 of the total payment to Hidalgo County of $7,654,978. In the 4 counties 7 farms received more than $100,000 apiece. Of the total 4-county population of 373,998, 254,766, or more than 68 percent, are Spanish-surname people.

EXHIBIT B

OEO CAP 5 FORM, SOUTH TEXAS COUNTIES

	Total	Cameron County	Hidalgo County	Starr County	Willacy County
Total population	372,123	151,098	180,904	20,037	20,084
Percent population in rural areas	28.6	25.6	28.8	60	17.9
Total number of families	75,201	31,370	36,431	3,339	4,061
Families, income less than $3,000	38,924	14,821	19,623	2,384	2,096
Percent families, income less than $3,000	51.7	47.2	53.8	71.4	51.6
Families with income less than $1,000	11,225	4,262	5,444	1,005	514
Families, income $1,000 to $1,999	15,273	5,628	7,785	949	911
Families, income $2,000 to $2,999	12,396	4,931	6,394	430	671
Males 14 and over in labor force	81,658	31,321	42,627	3,002	4,708
Percent of such males unemployed	7.1	8.7	5.8	13.8	3.5
Females 14 and over in labor force	36,363	15,914	18,290	1,348	1,811
Percent of such females unemployed	7.7	7.9	7.3	13.8	.6
Persons under 21 years of age	178,658	76,709	82,776	8,532	10,641
Percent under 21 w/AFDC payments	3.4	2.4	4.6	.06	4.0
Persons aged 65 years and over	16,566	8,093	6,477	972	1,024
Percent persons 65 and over, old age assistance	41	24	60	69	31.7
Percent persons in school (14 and 15)	87.3	88.3	86.8	90.7	80.8
Percent persons in school (16 and 17)	66.1	69.5	64.1	68.1	57.6
Number of persons 25 years and older	160,006	65,994	77,971	7,513	8,528
25 and over, less than 8th grade education	87,280	33,223	45,160	3,809	5,088
Percent 25 and over, less than 8th grade education	54.7	50.7	57.9	50.7	59.6
Persons 18 to 25 examined by selective service	2,201	288	1,527	109	277
Persons rejected by selective service	1,152	158	751	73	170
Percent persons rejected by selective service	52.3	55	49	75	61.1
Births per year	10,442	4,523	4,824	675	420
Deaths per year, infants under 12 months	(200)	179	(1)	.4	4.2
All housing units	100,059	42,083	47,711	4,489	5,776
Housing units substandard	45,667	17,224	23,488	1,567	3,388
Percent of housing units substandard	45.7	40.9	49.2	35	58.3
Population with Spanish surname	254,766	96,474	129,092	15,196	13,734
Percent population with Spanish surname	68.4	64	71.3	76	68.4

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[1] Not available.

POPULATION—TOWNS

HIDALGO

Alamo	4, 010
Cypres	20
Donna	7, 650
Edcouch	2, 805
Edinburg	19, 500
Elsa	3, 847
Faysville	50
Hargill	100
Hidlago	800
La Blanca	75
La Joya	110
La Villa	1, 261
Linn	150
Los Ebanos	100
McAllen	38, 600
McCook	100
Mercedea	11, 143
Mission	14, 281
Monte Alto	650
Monte Cristo	60
Penitas	250
Pharr	14, 806
Progreso	185
Puerto Rico	350
Relampago	100
Samfordyce	95
San Carlos	150
San Juan	4, 550
Sharyland	350
Stockholz	50
Sullivan City	275
Wellichville	25
Weslaco	16, 550
Weslaco (North)	1, 049

STARR

Ark. City	40
Delminta	100
El Sauz	75
Escobares	250
Falcon Hts	150
Fronton	350
Garceno	175
Garciasville	250
Grulla	1, 436
La Gloria	50
La Reforma	30
Los Barreras	125
Rio Grande City	6, 435
Roma-Los Saanz	1, 549
Rosita	215
Salineno	255
San Isidro	140
Santa Ana	30
Santa Catarina	20
Santa Blena	60
Sun Oil Camp	100
Viboras	20
La Union	20

WILLACY

Lasara	150
Lyford	1, 554
Porfirio	40
Port Mansfield	525
Raymondville	10, 200
San Perlita	348
Sebastian	500
Willamar	40

CAMERON

Bayview	268
Bluetown	100
Brownsville	52, 800
Carriatos	25
Combes	510
Harlingen	41, 100
La Feria	3, 970
Laguna Hc	840
Laguna Vista	260
Landrum Station	125
La Paloma	150
Laureles	20
Los Fresnos	1, 500
Los Indios	300
Lozano	200
Moistown	25
Olmito	200
Port Isabel	4, 000
Primera	1, 066
Rangerville	80
Rio Hondo	1. 344
San Benito	16, 650
Santa Maria	281
Santa Rosa	1, 572

Counties	Cameron	Hidalgo	Starr	Willacy	Texas	National
Population [1]	160, 000	209, 000	20, 000	22, 000	10, 711, 743	
Persons per physician	1, 684. 2	3, 265. 6	6, 666. 7	4, 400. 0		
Physicians per 100,000 population	59. 3	30. 6	15	22. 7	119	1, 508
Persons per dentist	9, 411. 7	7, 206. 7	(2)	11, 000. 0		
Dentists per 100,000 population	10. 6	13. 9	(2)	9. 1	36	54. 1
Persons per R.N	894. 1	823. 2	2, 857. 1	1, 571. 4		
R.N.'s per 100,000 population	118. 1	119. 1	35. 0	63. 6	173	325
Persons per P.H.N	16, 000	13, 062. 5	10, 000	22, 000	6, 211	5, 376
P.H.N.'s per 100,000 population	6. 3	7. 6	10. 0	4. 5	16. 1	18. 6
Persons per sanitarian	40, 000	34, 833. 3	20, 000	(3)		
Sanitarians per 100,000 population	. 4	2. 8	5. 0	(3)		
Persons per registered pharmacist	2, 161. 6	2, 518. 07	1, 818. 1	5, 500. 0		
Pharmacists per 100,000 population	46. 3	39. 7	55. 0	18. 2		
Hospital beds per 1,000	2. 5	2. 3	2. 1	1. 3		3. 8
Median family income (1960) [4]	$3, 216	$2, 780	$1, 700	$2, 902		$5, 660

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[1] Population used by 4 local health departments.

[2] No dentist.

[3] No sanitarian.

[4] U.S. census, 1960.

EXHIBIT C

ORGANIZATION CHART of COUNTY HEALTH DEPARTMENT

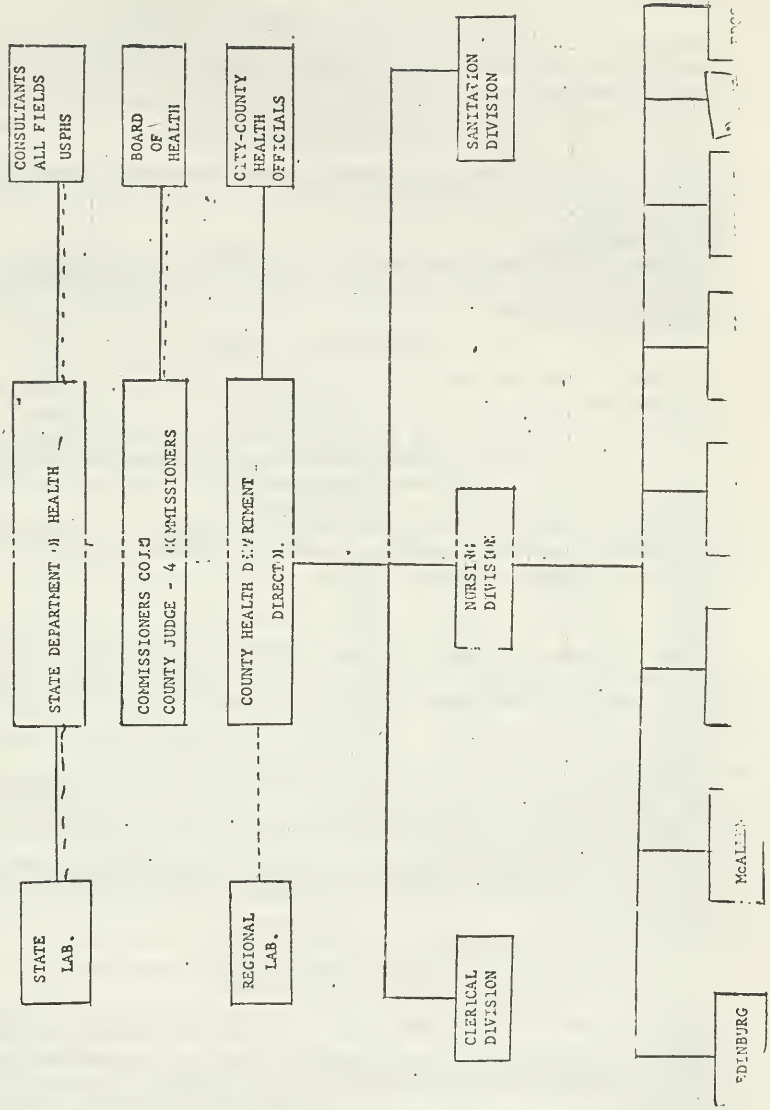
CONSULTANTS ALL FIELDS USPHS
BOARD OF HEALTH
CITY-COUNTY HEALTH OFFICIALS
STATE DEPARTMENT OF HEALTH
COMMISSIONERS COURT COUNTY JUDGE - 4 COMMISSIONERS
COUNTY HEALTH DEPARTMENT DIRECTOR
STATE LAB.
REGIONAL LAB.
SANITATION DIVISION
NURSING DIVISION
CLERICAL DIVISION
McAL
EDINBURG

EXHIBIT D

[From Valley Morning Star, July 12, 1970]

APATHY STILL FACTOR IN BATTLE OF POLIO

WESLACO.—Anna Isabel Trevino has full brown eyes that brim with the special shine of a 2-year-old.

And she has that special smile that carries a child through happy or hard times.

Her grin never really changes. But the times have. And they are bad for the tot from Rio Bravo, Tex.

She lies in a bed at Knapp Memorial Hospital in Weslaco. She does not move her arms or legs. She has a fever, a stiff neck and sore muscles and she doesn't understand why.

Anna Isabel has polio.

The disease that was a household horror until Dr. Jonas Salk and his miracle vaccine made it rare in the late 1950s, is making a deadly comeback in the Rio Grande Valley of Texas.

STRIKES VERY YOUNG

It strikes the helpless and the innocent. It strikes the very young.

Fourteen cases of polio have been reported in Cameron and Hidalgo counties which border Mexico. Three children have died so far this summer.

"Polio is still around because of apathy," said Dr. John R. Copenhaver, health director for the two Texas counties and the man in the eye of the epidemic.

Most of the 14 polio victims were under one year of age. The oldest was 3. None of the children was immunized against the disease.

"The only way to overcome apathy is to force people to be immunized and to reward them if they do," Copenhaver said. "For instance, in order to travel or go to school or to receive welfare."

POOR HIT HARDEST

Polio can strike the rich or the poor. But in the Rio Grande Valley it has chosen the poor. Federal, state and local health officials have started an immunization campaign, dispensing 54,000 doses of oral polio vaccine in a four-county area.

The epidemic prompted state legislators and health officials to consider legal methods to force parents to have their children immunized.

"It certainly has been called to my attention," said Gus F. Mutscher, speaker of the Texas House of Representatives. "I think the best thing I could do at this time is to have a conference with the head of the Texas Education Agency and the Health Department."

Many cities and school boards have required polio immunization. But Dr. J. E. Peavy, state health commissioner, said school programs would not help the current outbreak.

"All but one of the children involved are under 2 years of age," Peavy said.

URGES EARLIER START

Copenhaver said school programs do not attack the disease early enough in children.

"We can't afford to wait until they are school age," he said. "They should be immunized in the first year of birth. It could be made mandatory for a birth certificate."

Anna Isabel Trevino got her birth certificate and was struck down by polio in her second summer because she was not immunized.

The Texas State Health Department now sends to county health departments lists of infants born in their areas. County officials then mail letters to all mothers, urging them to have their children inoculated.

ADDRESS PROBLEM

"But the address is so frequently wrong. It makes it awfully difficult," Copenhaver said. "We are now recommending that more information be given so children can be accurately followed up.

"When they come into the clinic, they receive all the immunizations—diptheria, whooping cough, tetanus, measles and smallpox—as many as two at one time."

The treatment is free for those who cannot afford it.

Despite the free clinics, door-to-door campaigns this summer and warning letters, polio continues to pop up, especially among the poor.

"I don't think the financial status has anything to do with polio" except for the lack of money to pay for regular visits to a pediatrician, Copenhaver said. "The sanitary conditions or the closeness of individuals might be involved."

CROWDED LIVING CONDITIONS

Many Mexican-Americans in the Rio Grande Valley, including thousands of migrant farm workers, live crowded together with substandard sanitary conditions.

The upper respiratory virus that causes polio can be inhaled through cough droplets from another person or transmitted directly by body filth found in all economic levels, Copenhaver said.

He said surveys indicate the large migrant families are immunized better than nonmigrant families "because we put more emphasis on our migrant program here and there is emphasis up and down the migrant streams."

EXHIBIT E

HIDALGO FEDERAL MIGRANT HEALTH 1970 BUDGET, UNOFFICIAL[1]

Categories	Approved	January	February	Balance Feb. 28, 1970
Salaries	$53,716	$3,782.00	$4,435.00	$45,499.00
Physician fees	19,000	4,899.00	4,995.00	9,106.00
Office supplies	500	0	26.59	473.41
Drugs	18,000	5,616.61	13,916.49	[2] −1,533.10
Clinic supplies	120	0	0	120.00
Travel	7,896	479.83	358.27	7,057.90
Equipment	0	0	0	0
Printing	400	0	112.65	287.35
X-rays	3,000	535.00	463.50	2,001.50
Lab	3,000	563.00	750.50	1,686.50
Hospitalization	27,767	0	0	27,767.00
Physician care	26,000	300.00	40.00	25,660.00
Ambulance	1,000	0	0	1,000.00
Postage and communication	400	0	0	400.00
Total	160,799	16,175.44	25,098.00	119,525.00

[1] County medical program given to NFWSC by Dr. Copenhaver, director, January 1 to December 31.

[2] Over.

EXHIBIT F

United Farm Workers Organizing Committee AFL–CIO,
McAllen, Tex., April 11, 1970.

Dr. J. E. Peavy,
Commissioner of Health, Austin, Tex.

Dear Sir: The "Monitor," a local newspaper, reported on Tuesday, April 7 that the McAllen General Hospital is applying for additional Hill-Burton funds for the construction of more patient's rooms.

We support, without reservation, the need for additional funds. We would ask, however, that in processing the McAllen application, state and federal officials scrutinize with great care McAllen's assurances that it will provide a reasonable volume of services to persons unable to pay for them, assurances required by the Act and supporting regulations.

A recent medical survey conducted in this area of the Rio Grande Valley showed an alarming lack of medical services for the poor. There is no question but that our hospitals, McAllen General included, must be vastly expanded to handle the critical medical problems we know exist. Unhappily, we are not convinced that McAllen General takes seriously its obligation to serve the poor, as it serves the rich. The hospital has received Hill-Burton funds in the past and will, we hope, receive more at this time; but testimony at a senate Subcommittee hearing in Edinburg last Fall and our own experience show that the hospital is turning away many of those who cannot afford entrance deposits and harassing the indigent for payments.

Under the circumstances, we would ask that the mandatory assurances be spelled out in great detail and made easily available to the public. Among other questions we would ask are: What percentage of indigents applying for admission and treatment have been admitted as charity patients? How many have been turned away? What percentage of the proposed rooms will be available to those unable to pay? Will the hospital treat such patients as true charity patients, or will it continue its apparent policy of harrassing the medically indigent? Will other services of the hospital be made available to indigents on an expanded basis?

I wish to make it perfectly clear once again that we do not oppose an additional grant of Hill-Burton funds; we support such a grant. Our concern is that the spirit and the letter of the Act, that the poor have a right to share in federally assisted medical programs, be met. The hospital, by its own admission, is in good financial shape. McAllen General can and should. comply with the responsibilities that go with Hill-Burton funds.

Thousands of the Valley's poor are suffering from critical medical problems, some of which have gone beyond the point of cure only because they were too poor to get the treatment they know they need. Hill-Burton dollars will make no difference to the destitute, waiting in their agony, until and unless Texas and the United States government stand behind and guarantee the promises Congress made to the poor when they passed Hill-Burton.

Very truly yours,

ANTONIO ORENDAIN.

TEXAS STATE DEPARTMENT OF HEALTH,
Austin, Tex., April 16, 1970.

Mr. ANTONIO ORENDAIN,
United Farm Workers Organizing Committee AFL–CIO,
McAllen, Tex.

DEAR MR. ORENDAIN: I appreciate very much your letter to me, dated April 11, 1970, expressing your interest in and approval of a Hill-Burton grant to the McAllen General Hospital. We regret very much that we did not have sufficient funds to make an allocation to this project. We realize that this facility is badly needed in the area and perhaps, if the hospital reapplies next year, we might receive a larger sum under the Hill-Burton program and be in a position to make allocations to a larger number of hospitals than we were able to this year.

Very truly yours,

J. E. PEAVY, M.D.,
Commissioner of Health.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION,
Rockville, Md., June 2, 1970.

Mr. ANTONIO ORENDAIN,
United Farm Workers Organizing Committee AFL–CIO, Texas Branch,
McAllen, Tex.

DEAR MR. ORENDAIN: This is in further reply to your letter of April 11, 1970, to Dr. Harold Graning, with reference to the McAllen General Hospital's request for Hill-Burton funds and your questions pertaining to assurances for service to persons unable to pay.

We have received a report on the matter, through our Dallas Regional Office, from the State Department of Health, the administering authority for the Hill-Burton program in Texas. We are advised that due to the limited funds allotted to the State of Texas, the State agency was not able to make an allocation to the McAllen General Hospital, and therefore the assurance pertaining to patients unable to pay for services does not apply in this instance.

With reference to your questions concerning the admission of indigent patients, we have been advised that the McAllen General Hospital from October 1, 1969, through April 30, 1970, furnished 348 patients (9 percent of the admitted patients) with services amounting to $73,914 (5 percent of the gross patient revenue), and the hospital's estimate is that it will furnish over $100,000 in free service to local citizens before the current hospital fiscal year is ended.

Sincerely yours,

TED L. BECHTEL,
Director, Office of State Plans.

JUNE 24, 1970.

Mr. TED L. BECHTEL
Director, Office of State Plans,
Department of Health, Education, and Welfare,
Public Health Service,
Health Services and Mental Health Administration,
Rockville, Md.

DEAR SIR: Thank you for your interesting letter. It is reassuring to hear that McAllen Hospital may be offering charitable services to local citizens. At the risk of sounding skeptical, I should like to ask if you know, or can find out, whether the "free service" is indeed free, or represents indigent patients who have been harassed for payments, but who have no money.

Our experience with the hospital has revealed a number of instances of patient harassment, and no instances of true charity. I would be ready to applaud the hospital for charity work, if I were sure that it is providing it. You will understand my hesitancy in accepting the hospital's figures until such time as we can be sure they represent real charity.

Very truly yours,

ANTONIO ORENDAIN.

EXHIBIT G

TEXAS PROVISIONS FOR HEALTH OF FARM WORKERS AND PACKERS

(By Kitty Schild)

Texas safety and health statutes, or the lack of them, contribute directly to poor farmworker health. Huge gaps exist in legislation, the few laws existing are unenforced. The basic statute involved is the Occupational Safety Act, V.A.C.S. Art. 5182 a. It applies to all employers (defined as anyone in control of any employment, place of employment, or employees, with the exception of domestic help or those employed on carriers regulated by the ICC.) It merely requires that such employers must maintain a *reasonably* safe and healthy place to work. They must use any processes or devices, including methods of sanitation and hygiene, as are *reasonably* necessary to protect the life, health, and safety of their employees.

However, any more specific rules or regulations must come from the Occupation Safety Board, composed of the Commissioners of Labor Statistics and Health and a public member appointed by the governor. The Board may also exempt any individual or group from any of its rules or regulations. The Board has not yet promulgated rules covering agricultural workers, and probably will not for several years, if ever.

Besides this very general statute, there are a series of statutes that apply to any factory, mill, workshop, mercantile establishment, laundry, or other establishment which employs females. These would apply to packing sheds and probably agricultural work, though this latter is not listed and would have to be considered as "other establishments." (On an earlier statute, Art. 5172a, concerning hours for female employees, those involved in the "first processing" or in canning or packing fruits or vegetables were specifically exempted, so one could argue that since they weren't so exempted in these articles, they were meant to be included.)

These statutes provide that such establishments should take adequate measures for maintaining a reasonable, and if possible, equable, temperature, *consistent with the reasonable requirement of the manufacturing process.* There shall also be no gas or effluvia from sewers, drains, privies, etc., and poisonous or noxious gases and dust must be removed as far as *practicable.* V.A.C.S. Art. 5174. Floors shall be cleaned at least once a day and if the manufacturing process wets the floor, there should be adequate drainage and grates or dry standing room where practicable. V.A.C.S. Art. 5175. Exits should open outwards and be easy and quick to open. Handrails and adequate lighting must be provided for any stairs. V.A.C.S. Art. 5176. As can be seen by reading the above statutes, a specific rule will be set and then watered down with such phrases as "as far as practicable" or "consistent with the reasonable requirements of the manufacturing process."

The only statute without such provisions (and one which also applies to male employees) is Art. 5177 which requires toilets in proportion of one to twenty female employees, and one to twenty-five male employees. There must be separate toilets for males and females, and they must be constructed in an approved manner and properly enclosed. They must be kept clean and sanitary, disinfected and ventilated at all times and lighted during working hours.

All the above statutes (Arts. 5173–5178) are to be enforced by the Commissioner of Labor Statistics.

Strikingly absent are provisions protecting laborers in transit to and from the fields. As many as twenty migrants—men, women, and children—may be loaded into the open, unprotected cargo space of a flatbed truck. There are no seats, overhead protection, or safety belts. With this lack of protection, an otherwise minor accident can turn into a major tragedy.

Also lacking, as yet, are provisions for water and toilets in the *field*. Failing basic sanitation and comfort standards, the workers cannot be blamed for excreting in the fields. Some of the more modest, particularly women, have suffered kidney and bladder disorders from long hours of working without urinating.

EXHIBIT H

VISITS BY FEDERAL OFFICIALS TO THE LOWER RIO GRANDE VALLEY THE PAST 18 MONTHS

It should be noted that there have been a steady stream of federal and state officials coming through the Valley this past 18 months. They have held meetings, promising things, then vanishing, and nothing happened. Basically there is no follow-up.

The following is a list of visits by Federal officials to the Farm worker groups in the Valley over the past 18 months.

VISITS

April 1969.—Dr. Bud Shenkin, USPHS, Wash. D.C. and Dr. Tom Newman USPHS Dallas Regional office. They discussed with Colonias del Valle the possibility of a health grant. Either a clinic or a community health aide program that could refer people to existing facilities.

August 1969.—Colonias people wanted a clinic to deliver services and therefore during July and August a survey was done to develop a clinic serving 12 rural colonias and a research project to develop a comprehensive plan for the whole Valley. (4 counties). Aides would do no good because there were no services available to refer to.

September 1969.—A 12 colonia survey was done and a proposal submitted to USPHS for a clinic and planning grant. This proposal was supported by the Farm Workers Service Center.

October 1969.—The submitted proposal was reviewed by the USPHS, consumer review committee, and action was postponed until Jan. 1970.

November 1969.—Discuussion of health problems with Miss Helen Johnson of USPHS Migrant Health branch. No real results could be seen due to no funds available to Migrant Health branch.

Hearings on Migrant Health by Senator Yarborough's Committee in Edinburg. Much effort was made to develop good and true testimony. There was much distrust of the value of these hearings especially on the part of the young migrant people, because these hearings had been held before and no real advantage or gain to the poor.

In Feb. of 1970 more money was allocated but this did no real good because the majority of the funds did not go to Texas. Also most of the money went to support clinics. To most of us, migrant clinics are like Bingo if you live near one, you win until the money runs out. If you don't live near one you loose. The money never goes directly to the farm workers either via stamps or insurance, so he has to accept what over he can get after the health Bureaucrats, Administrators, and Health providers have taken their cent.

December 10, 1969.—Farm Workers Clinic opens.

December 1969.—Glenn Bell, and Bob Winston of the Dallas Regional Office plus Bud Shenkin of USPHS in D.C. came by to discuss the October proposal, plus the newly opened Farm Workers Clinic staffed voluntarily by 1 local doctor and several nurses.

It should be noted that on each of these trips the Federal people promised support and assistance in whatever we wanted. They told us, they were for us and would help in every way. It was only much later that we found out, they were saying these same things to the doctors, pharmacists, and county health workers and other community groups.

February 1970.—Another meeting was held with representatives from USPHS. This time in D.C. with people from the D.C. office. Again promises of assistance and interest.

March 1970.—Mr. Glen Bell and Dr. Tom Newman of USPHS Dallas came to the Valley to ask for proposals for the new Migrant Money (Yarborough's money). They were selling clinics as "the thing D.C. USPHS wanted to fund". The farm workers asked for Health Stamps (a food stamp, insurance type program). We did not find out until later (June 5), but the pharmacists asked Bell and Co. for a Medical insurance program and the doctors were split some wanting fee for service insurance and some wanting a government run welfare clinic attached to hospitals. The last of these choices gained favor with the government people and was funded in June. It is interesting to note that the majority of those involved (Farm workers, pharmacists, and doctors) wanted almost the same thing.

Following Bell and Newman's visit a proposal for 3.2 million to cover farm workers specifically in the four counties and generally in the mid western states was submitted to USPHS. Except for one phone call from Dallas, this proposal was completely ignored. In June we learned that the Medical Society Clinic was to be funded. The amount of $230,750 was allocated to Hidalgo Co. (our cut of the $7,000,000 Yarborough appropriation for Migrant Health, the benefits of the Nov. hearings). The interesting thing, is that this money is to be spent and supervised by a small committee made up of Medical Society and government people. The ideas and proposal which the farm worker groups submitted was never taken even as far as the national review committee. Another tragedy is that the money presently is not being spent because the doctors and government people can't find a $30,000 doctor to staff their own brain child. The farm worker groups had asked first for a Health Stamp or insurance type plan that spread the poverty medicine practice around. One reason being this would avoid the direct recruitment of one doctor for a government type charity clinic and possibly attract more private practitioners.

The best lesson that can be learned by all of this, the Yarborough hearings included, is that the people should never expect much from the government. There are too many obstacles between the Halls of Congress and the rural areas, such as the Valley. The fight for individual rights, for better pay and better public services has to be carried on at the local level. All we can hope is that the majority of the American people and the Congress will help us by being aware of the plight of the rural poor and stop helping the agri-business men and the entrenched government agency people.

As long as the agri-business men receive a double subsidy first via direct crop support or said bank payments and second via subsidized labor (Health projects, food commodity distribution, private charity to impoverished workers) it will be impossible to make economic and social progress in rural areas. The poor have no choice but to migrate to the urban centers. In most cases this migration only adds to frustration, despair and unrest.

EXHIBIT I

BENTSEN FAMILY HOLDINGS (NON-LAND)

BENTSEN COMPANIES

Bentsen Development Company-Real Estate-Investments: holdings include about 200 acres of farmland; unirrigated land used for milo, irrigated land all citrus.

Bentsen Groves Corporation—land holding corp.

Bentsen Whittenger Oil: Calvin R. Bentsen, President.

Tip O' Tex Realty Company: owned by Elmer C. Bentsen and Bentsen Development Company in partnership composed of Lloyd M. Sr. and Elmer C. Devel.

Dixie Mortgage Loan Co.: owned by Lloyd Bentsen, Sr., President of the company is Dan Winn (2022 N. 10th, McAllen), who is Secretary and a director of Lincoln Liberty Life Insurance (a Bentsen Company), and *President of Medico Drug Stores.* The company also owns a lot of land.

Lincoln Liberty Life Insurance: formed out of a merger of Lincoln Liberty Life Insurance, of Omaha, and the Bentsen owned Consolidated American Life Insurance.

Mid-American Investment Company: organized by Elmer Bentsen and Dixie Mortgage Loan.

Tide Products, Inc.: Don L. Bentsen, President. Subdivision of Union Carbide. Liquid & Dry fertilizers, insecticides, agricultural chemicals.

MEMBERS OF THE FAMILY

Lloyd Bentsen, Sr.: Partner in Bentsen Development Co., Chairman of Board of First National Bank of McAllen; Chairman of Board of Jefferson Savings and Loan of Texas; Director of Lincoln Liberty Life Ins., largest stockholder; President of First National Bank of Mission; Owns Dixie Mortgage and Loan; Board Member of Frst National Bank of Mission, McAllen, Edinburg, Raymondville, and Security State Bank of Pharr.

Lloyd Bentsen, Jr.: Partner in Bentsen Development Company; Chairman of the Board and Director of Liberty Life Insurance; President of Lincoln Consolidated; Director of Continental Oil Company; Director of Bank of Southwest National Association (Houston); was a Director of Trunkline Gas Company before campaign; Director of Panhandle Eastern Pipe Line Co. before campaign.

Donald Bentsen: Director of Sommers Drug Stores Co., 3130 E. Houston, San Antonio; President of Tide, San Antonio; President of Tide Products, Inc. (Div. of Union Carbide); President Investors Syndicate; Secretary of Jefferson Savings and Loan Association of Texas.

Elmer Bentsen: President of First National Bank of McAllen.

Calvin R. Bentsen: President Bentsen-Whittengen Oil Company; Member McAllen Hospital Board, McAllen School Board.

EXHIBIT J

[From the Texas Observer, Apr. 3, 1970]

THE SENATE CONTEST—LLOYD BENTSEN'S FORTUNE

AUSTIN.—When Lloyd M. Bentsen, Jr., retired from the U.S. Congress at the age of 33, he explained that he was leaving politics because he wanted "to establish financial independence" for himself and his family. Seventeen years later, his business interests include banking, insurance, farming, oil, gas, and defense contracting. He may or may not be independent, but he certainly is wealthy.

Many Texans are under the impression that Bentsen, Senator Yarborough's Democratic opponent, has always been rich. "Well, that's not true," he quietly told the *Observer* during a telephone interview. That was all he offered on his early financial status. One hears estimates that he is worth as much as $20 million, but the candidate is reticent about his wealth. He says he will make public his financial statement when he is elected, and not before. "I assume the reason we want to give financial statements is to show what a man's worth is when he is elected and what his financial losses and gains are when he gets out," Bentsen said, as a means of explaining why he sees no reason to reveal his net worth during his candidacy.

Bentsen is the son of a millionaire. His father, Lloyd Senior, made a fortune selling land in the Lower Rio Grande Valley. When Lloyd Junior abandoned politics to launch a career in business, "Big Lloyd," as his father is known around the hometown of McAllen, most assuredly provided some ballast for the venture.

Today Bentsen is president of Lincoln Consolidated, a holding company with offices in Houston. His father is chairman of the board. The company was formed in 1967 as a parent for Lincoln Liberty Life Insurance Company; Funds, Inc., (which manages five mutual funds); Compensation Programs ("specializing in deferred compensation planning and administration," according to Standard & Poor's exchange stock report); and Benjamin Franklin Savings Association. Ben Franklin, a Texas concern with $58.7 million in total assets and $53.9 million in total savings, was purchased by Lincoln Consolidated in June of 1969. In mid-1969, Lincoln Consolidated reported a total income of $1,482,848 and $765,982 in net income. According to Standard and Poor's Lincoln Consolidated paid $32,000 in federal income tax in 1969, and no income tax in 1968. Bentsen told the *Observer* that the company paid "substantially" more in income tax in 1969 but that he did not have the records handy.

Lincoln Liberty Life is headquartered in Lincoln, Nebr. It writes a variety of ordinary life insurance on a non-participating basis plus accident and health insurance and group life insurance. Bentsen, his father, and four other Bentsens are on Lincoln Liberty's board of directors. In 1969, the company's total assets were $75,617,295.63. Its net gain for the year was $444,293.49.

The insurance company is a prime example of the type of bank holding company that Texas Congressman Wright Patman has been working to bring under more stringent federal control. According to Lincoln Liberty's annual report for 1969, the company owns stock in the following Texas banks:

First National Bank of Edinburg—1,498 shares worth $112,353.60.
First National Bank of McAllen—16,601 shares worth $222,184.48.
First National Bank of Mission—4,560 shares worth $110,345.15.
Security State Bank of Pharr—5,750 shares worth $68,717.
Texas City National Bank—2,310 shares worth $69,300.

In July of 1967, the House Banking and Banking Committee issued a report on control of commercial banks and interlocks among financial institutions. The report cites as its most interesting case "Lincoln Liberty Life Insurance Co. of Houston, which has between 15.1% and 41.28% of the shares in each of six Texas banks. All of these banks except Texas City National Bank are in the same geographic area known as the Lower Rio Grande Valley. . . . It is interesting to note that this insurance company has in all except one case kept its percentage of bank stock holdings in these banks below 25%, thus avoiding the necessity of subjecting itself to regulation under the Bank Holding Company Act. How close Lincoln Life has become to a regular bank holding company is seen in that if it owned just one more share of First National Bank of Edinburg, it would come under the Bank Holding Company Act. If it had one more share, it would be required to divest itself of the bank or the insurance company operation."

At the time of the report, the company had 24.9% of Edinburg bank stock and 41.28% of the stock of the First National Bank of Raymondville. The Raymondville stock may have been sold during 1969.

The U.S. House recently passed Congressman Patman's revised One Bank Holding Company Bill, and it is awaiting a hearing in the Senate Committee on Banking and Currency. If the measure passes, Lincoln Liberty Life may be required to get out of the banking or the insurance business. The new bill allows the Federal Reserve Board to break up bank holding companies when it can establish that a company controls a bank, even if it owns less than 25% of the stock.

Jake Lewis of the House Banks and Banking Committee told the *Observer* that, if the Patman bill passes the Senate, the interlocking directorates among the Rio Grande Valley banks, Lincoln Liberty Life, and Lincoln Consolidated could lead the Federal Reserve Bank to conclude that the Bentsens do indeed control the banks. The boards of directors of the banks, the insurance company, and the parent company are saturated with Bentsens. According to the Texas *Banking Redbook*, Lloyd M. Bentsen (it does not say whether it is junior or senior, but is presumably senior) belongs to the boards of five Valley banks—the first national banks of Raymondville, Mission, McAllen, and Edinburg, and the Security State Bank of Pharr. Both Lloyd Senior and Lloyd Junior are on the boards of directors of Lincoln Consolidated and Lincoln Liberty Life.

Elmer Bentsen, a brother of Lloyd Senior, is on the boards of three of the Valley banks in which Lincoln Liberty has stock, and he also is on the boards of Lincoln Liberty and Lincoln Consolidated. Calvin P. Bentsen, Donald Bentsen, and Ted A. Bentsen are board members of both Lincoln Liberty and the McAllen bank. And R. Dan Winn is a member of the boards of both Lincoln Liberty and the McAllen bank.

Bentsen told the *Observer* he will resign from Lincoln Consolidated if he is elected. "When I went to Congress before, I withdrew from my law firm and never accepted another legal fee again," Bentsen said. "That's the sort of ethics I think should be displayed when you enter into public office."

Bentsen also has a financial interest in the U.S. farm subsidy program. Although the candidate has endorsed a limitation of $20,000 a year in cash subsidies to individual farmers for not growing certain crops, Bentsen was one of 331 farm owners in 1967 to receive more than $50,000 a year in crop subsidies. The government paid him $108,904 that year for reducing crop production on his property in Hidalgo County. In 1966, Bentsen received $152,352 in farm payments. The 1968 list of farmers in the over $50,000 category does not include Bentsen, and the 1969 list is not yet available.

The day before Bentsen announced his candidacy, he quietly resigned from the boards of directors of Continental Oil, Panhandle Eastern Pipeline Co., Trunkline Gas Co., Houston's Bank of the Southwest, and Lockheed Aircraft Corporation. Bentsen said he sold 1,000 shares of Lockheed stock at the time he resigned from the board. "I resigned because I wanted to make a total commitment to this race," the candidate said.

Bentsen told the *Observer* that his resignations leave him free from any conflict of interest. Still, he might be expected to be sympathetic to the problems of his former companies. His relationship with Lockheed might be particularly sticky, since the aircraft company is in considerable trouble over its $600 million cost overrun on the military contract for the C–5A jet transport. Lockheed, which is this country's leading defense contractor, recently asked the Department of Defense for conditional release of more than $500 million in contract disputes. Lockheed's financial crisis will not be solved overnight. It is bound to be a topic of debate in the Senate next year, and so are crop subsidies, bank holding companies, insurance, oil and gas.

[From the Texas Observer, Apr. 17, 1970]

A Historical Inquiry Into the Origins of the Bentsen Fortune

Rio Grande Valley, Corpus Christi, Fort Worth, Waco.—There is a tradition, adapted here to fit these circumstances, that the vulnerabilities of the father should not be visited on the son. With Lloyd Bentsen, Jr., running against U.S. Senator Ralph Yarborough, this tradition, grounded in simple human justice, should be kept foremost in one's mind.

"You know, my father is not running," Bentsen, Jr. told the *Observer* in a telephone interview from Corpus Christi. He said that events in his father's and uncle's business career before 1955 and the fact that the two men are now the largest stockholders in the insurance company of which he was president have "no relevancy to my candidacy." In a different connection, he remarked, as to his father's holdings, "I have no land interests with him. He has his and I have mine."

The Bentsen fortune originated in the "immigration land business" conducted by Lloyd Bentsen, Sr., and his brother Elmer Bentsen in the Rio Grande Valley. These men are the candidate's father and uncle.

Early in the 1950's, this land business was assailed by a raft of civil lawsuits alleging that the elder Bentsens and others had conspired to defraud buyers by selling them dry farm land as irrigated citrus land worth four or five times as much as it actually was. One judgment went against the elder Bentsens and their associates, another ended in a hung jury and dismissal, and out of court there were cash settlements and trade-backs of deeds. The United States Supreme Court ruled in yet another of the cases that the Bentsen interests and others could properly be sued to ascertain whether they had violated the federal securities act.

Perhaps the most serious blow to Lloyd, Sr., and Elmer Bentsen, as far as the public appearance of things goes, came in the midst of the Texas gubernatorial campaign of 1954 between Gov. Allan Shivers and Ralph Yarborough. A federal judge ordered his clerk to unseal a deposition Shivers had given in connection with five of the land fraud cases two years before. The deposition showed that Shivers had paid Lloyd Bentsen, Sr., $25,000 for an option to buy some of the land that became involved in the suits and then seven months later, just after having been elected lieutenant governor, sold it for a $425,000 profit in a transaction handled by the same Bentsen, Sr.

Lloyd Bentsen, Sr.'s son, Lloyd, Jr., was not at any point known or alleged to have been a participant in his father's and uncle's land transactions or his father's deal with Shivers. Lloyd, Jr., had been elected the county judge in Hidalgo County in 1946, the year of the $425,000 transaction between his father and Shivers in Hidalgo County, but Shivers did not record the instruments at the Courthouse. In 1948 the young Bentsen was elected to Congress with the copious lubrication of his father's money, but in this he was no different from many prominent American politicians of wealth who come to mind.

However, in 1953 Bentsen, Jr., introduced a bill to provide for federal funding of "non-federal irrigation projects." Waterworks thus built for irrigation districts would have been given, under Congressman Bentsen's bill, the "benefits [and] privileges under reclamation laws, including repayment provisions." This evidently meant interest-free loans, in effect a federal subsidy. It is unclear, and Bentsen, Jr., left it unclear, whether the most important limitation under the federal laws, limiting the distribution of the federally-subsidized water to 160 acres per landowner, would continue under his plan. His bill specified that the local water-users' associations or irrigation districts would operate the waterworks and would "at all times" own them. This legislation, if passed, evidently would have been of substantial potential benefit to the irrigation districts of the kind that his father and uncle controlled in the lower Texas Valley.

In December, 1953, however, Bentsen, Jr., announced that he would not seek re-election. When he returned to private life in January, 1955, the Bentsen family fortune change its form and the substance of its concerns. The money flowed out of land into insurance.

Lloyd, Sr., and Elmer Bentsen and their companies owned many valuable mortgages on real estate. With about $5 million worth of real estate notes—including some on land that had been involved in some of the civil lawsuits—and with blocks of their stock in Valley banks, they formed Consolidated American Life Insurance Co. of Houston, a new Texas company (hereafter, "Calico"). Naturally this made Lloyd, Sr., and Elmer Bentsen principal stockholders of Calico, with other Bentsens, including Lloyd, Jr., participants in the ownership to the extent they had been owners of the land companies. As District Judge Reynaldo Garza said later in a tax ruling on the shift-over, the net result was that all the assets that had been owned by three of the elder Bentsens' companies were then owned by the insurance company, and "The same individuals who had owned stock in the transferor corporations now owned the stock of the insurance company."

The Internal Revenue Service ruled that the exchange was taxable because the insurance company was in a different business from the land companies, but Garza ruled, to the contrary, that there was "a continuity of the business activity" from the land enterprises to the insurance company that made the exchange not taxable.[1]

From the first, young Lloyd Bentsen, Jr., was the president of Calico and its principal executive officer. In 1958, not having made much business progress, the company merged with Lincoln Liberty Life Insurance Co. of Lincoln, Neb., and thereafter expanded its business at a better rate.

The company president's father and uncle continued to be the largest stockholders of the merged company. Late in 1964, a 1965 prospectus for the firm showed, Bentsen, Sr., owned 17% of the stock and Elmer Bentsen owned 14%. According to the prospectus, "Lloyd M. Bentsen [Sr.] and Elmer C. Bentsen may be deemed parents of the company." Bentsen, Sr., was chairman of the board. Lincoln Liberty Life engaged in land transactions with certain of its own officers—notably Lloyd, Sr., and Elmer Bentsen. According to the 1965 prospectus:

"During the past three years the company [Lincoln Liberty] has purchased mortgage loans in the ordinary course of its business from Tip O'Tex Realty Co., Dixie Mortgage Loan Co., and Bentsen Development Company in the aggregate principal amount of $601,227 at an average interest rate of 5.9%. Tip O'Tex Realty Co. is owned by Mr. Elmer C. Bentsen and Bentsen Development Company in a partnership composed of Messrs. Lloyd M. Bentsen [Sr.] and Elmer C. Bentsen."

In addition, it was reported, Lincoln Liberty had made direct mortgage loans to Elmer Bentsen and his company aggregating about $100,000 at 6%. The interest rates, said the prospectus, were comparable to, but not less what the company could have obtained "from unaffiliated parties." And, it was added, Lincoln Liberty "intends to continue its practice of doing business with companies controlled by certain directors, officers, or holders of 10% or more of the voting securities" of Lincoln Liberty.

The 27-story Lincoln Liberty Life Building in downtown Houston, the prospectus explained, was completed in 1962 by Mid-American Investment Co. for the insurance company and the Sheraton Hotel, the company headquarters occupying floors five through twelve, the hotel the others. Elmer Bentsen and Dixie Mortgage Loan Co., owned by Lloyd Bentsen, Sr., and members of his family, organized Mid-American in 1959. Said the prospectus, "The persons who controlled Mid-American also controlled [Lincoln Liberty] and therefore were able to control affiliated transactions." The Lincoln Liberty building was constructed by Mid-American at a cost of $15.1 million and was sold to Lincoln Liberty "for $598,660 in excess of the net book value at the time of sale," the prospectus reported.

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[1] *Donald L. Bentsen, et al. v. Robert L. Phinney,* 199 F. Supp. 363 (1961).

As president of Calico, Lloyd Bentsen, Jr.'s compensation and emoluments started at $20,000 and rose to $26,000 a year. After the merger he received between $34,000 and $51,000 a year. He was provided valuable stock options (the right to buy stock in Lincoln Liberty Life in the future at a pegged price, even though the going market price when the option is exercised might have become much higher than the pegged price). Such stock options are customary for high-up insiders in the corporate world. In 1965, for instance, Bentsen, Jr., had the right to buy 35,000 shares of the company's stock for $14.05 a share, although the stock had not dropped lower than $20 a share at any time in the preceding year.[2]

Bentsen, Jr., has therefore been in business with his father since 1955, and their company has had important transactions with Lloyd Jr.'s uncle, Elmer Bentsen, who is also a large stockholder in Lincoln Liberty.

The Bentsen brothers, Lloyd, Sr., and Elmer, came to the Valley about 1920 from Brookings, S.D., a couple of broke Danes looking for work. At first they drove cars on tours through the Valley. Learning the land, they began to sell it. By 1930 they had their own real estate business. After two more decades they were directing the operations of at least a score of corporations. They figured in eight Valley banks and had a fortune some Valley people estimated as high as forty million dollars.[3]

The brothers' basic business was selling land to people who did not live in the Valley. Many of them came from distant places in the northern Midwest. Testifying in the consolidated trial of five suits alleging land fraud brought against him and others, Bentsen, Sr., said early in 1952:

"We have operated in the immigration business on the development basis, and in the immigration business we have paid brokerage of 25% on any sales made."

Garland Smith, the Weslaco attorney who, with his partner Ed McIlheran, filed most of the actions in which land buyers alleged fraud against the Bentsen interests and others, said in his next question that the immigration land business was "bringing people in from outside the Valley to sell them on Valley land."

Bentsen, Sr., testified, "our volume had started, of course, at practically nothing, when we started in the immigration business, and our volume increased to where that at times we were running as high as a million dollars a month in sales." [4]

Allan Shivers, the state senator from Port Arthur, had married the daughter of John Shary, a wealthy Valley landowner who lived near Bentsen in the Valley. In November, 1945, Shary died. Shivers, as general manager of the Shary estate, began making arrangements to pay off the inheritance taxes on the Shary land and other interests.

Shivers also ran for lieutenant governor in 1946. Nominated in the spring primary, he was elected in the November voting. When the facts came out eight years later (to the extent they did), this sequence of events suggested a damaging political interpretation of his land transactions in 1946. Because of the context of arrangements for estate taxes, there was another plausible explanation, but it was in the nature of this alternative explanation that if it was correct Shivers would have been prevented from availing himself of it.

The Shary estate sold about 16,000 acres, the Jackson Pasture, to a Bentsen corporation at about $50 or $60 an acre on March 1, 1946. Shivers said in his deposition later that the money just about paid all the estate taxes. A sale thus timed, and with such a low per-acre price, might naturally affect the valuation, for tax purposes, of the rest of the Shary land.

McIlheran, questioning Shivers, asked him point-blank if his $425,000 profit on a second transaction later the same year was not explained in that he had sold Jackson Pastures to Bentsen, Sr., for less than Bentsen was willing to pay for it, and "this option contract was his [Bentsen, Sr.'s] method of paying you back." Shivers replied, "No, of course, that isn't true, Mr. McIlheran."

On May 31, 1946, before being nominated lieutenant governor, Senator Shivers bought from Bentsen Development Co. for $25,000, payable "on or before one year" from the date, an option to buy 13,000 acres of land later commonly known as Texan Gardens.

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[2] *Prospectus*, Lincoln Liberty Life Insurance Co. (offering 632,000 shares of its common stock to holders of stock of Gulf-Southwest Capital Corporation under certain circumstances). Feb. 5, 1965.

[3] *Des Moines Sunday Register*, May 6, 1951.

[4] Testimony of Lloyd Bentsen, Sr., in Civil Action 846, federal district court in Corpus Christi. 1952. The records in the land fraud cases discussed in this article were examined at the Federal Records Center in Fort Worth.

In Dec. 16, 1946, Shivers sold this same option to Texan Realty Co. for $450,000 in eighteen monthly notes of $25,000 each, payable through the first year and a half of his term as lieutenant governor. Presuming his $25,000 cost of the option should be deducted, his profit on this transaction was $425,000.

In his later deposition, he said the second sale was consummated in discussions with Bentsen, Sr., and the papers were signed in the later's office. Shivers denied the transaction was part of any other debt with Bentsen, Sr. The governor also said in 1952 that he considered the first half of the transaction the sale of an option contract and that he bought the option intending to develop the land for re-sale. He sold the option, he said, simply to turn a profit.[5]

The developers of Texan Gardens naturally wanted to get river water to it and applied to the Board of Water Engineers for a permit to take water from the Rio Grande. Water districts are often best understood as legal instruments which work the will of the dominant landholders within their jurisdictions. Texan Gardens fell within Hidalgo County water district 16. A public hearing on this district's water application was held April 15, 1949, when Shivers was still lieutenant governor. There was a flood of protests from existing water districts against this application. The simple rule of the river is, if you let someone new have water out of it, everybody else who already has a right to do it will have less water to share. Shivers became governor on July 11, 1949, with the death of Beauford Jester. The permit to district 16, encompassing Texan Gardens and other land, was granted on Aug. 3, three weeks later. It was, however, a severely hedged permit, in effect authorizing the district to take river water only after everybody with a prior claim got theirs. These matters are of record in the old files of the board.

(It is a twist to be noted here as well as at any other point that by the ruling by the late Judge James Norvell and his two colleagues on an appellate court in the Valley-wide 1956 water suit, this piece of paper has, in the long run, enhanced the value of the Texan Gardens acreage, for instance, by roughly four million dollars, having been made, by Norvell's ruling, the basis for a first-class water right. An appeal is still pending.)

In June, 1950, there began in earnest the lawsuits alleging that the Bentsen interests and others had defrauded buyers by selling them dry farm land, prepared to resemble much more expensive irrigated citrus land. The test case (records of which fill two cardboard boxes in the Fort Worth federal records center,) was Polmateer v. Bentsen, Sr., *et al.*

An Iowa couple, Mr. and Mrs. Alvy Polmateer of Shell Rock, filed suit in federal court in Brownsville, trying to cancel the contract under which they had bought a ten-acre tract in Ramseyer Gardens north of McAllen for $525 an acre.

They claimed that a land-selling group, Interstate Investment Co.; Lloyd, Sr., and Elmer Bentsen and associated companies and persons; and Homer Ramseyer, who had owned the land, conspired to defraud them.

They said they were put up free at a clubhouse near McAllen, shown the land, and told it was irrigated by water conducted through underground tile, that the land would grow citrus trees, that it was in an irrigation district, and that the $525 was standard. These representations, they said, were false.

In irrigated economies, run-off irrigation water, or "drainage water," is carried off in ditches. It is sometimes re-used, but is saltier than river water and is not considered as good for irrigation. The Polmateers said this was the water they were shown and which, when it was used on their citrus trees, killed them. The land was only worth $90 to $125 an acre, they contended.

They said the clubhouse was furnished by the Bentsen group as part of a plan to lead them to think Interstate was a reliable, established company when it was not. They alleged that the Bentsen group bought and cleared the land in "the conspiracy with Ramseyer and the Interstate group to sell it to persons from distant places at prices far in excess of its actual value." Corporations employed were "dummy corporations," they said. "No sales were made to persons residing in the Rio Grande Valley."

Bentsen, Sr., introduced a letter to him and the Bentsen group from Ramseyer saying there was "no obligation or responsibility on you" because of relationships between Ramseyer and the Interstate group. But this did not impress attorneys for the Polmateers, who argued that "these expert land operators, who have reduced their selling practices to a refined art, have been taking advantage of strangers."

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[5] *Deposition*, Allan Shivers, Sept. 29, 1952, in *Lloyd Behringer and wife* v. *Lloyd M. Bentsen, Sr., et al.*, C.A. 754, and four other cases, S.D. Tex., Brownsville division. This historically famous deposition lies in the Behringer case file in the Fort Worth records center.

A water expert testified that the water available was drainage water with a high quantity of toxic salts that prevented it from supporting commercial citrus growth. Bentsen, Sr., testified that while drainage water is not as good as regular river water, it will grow citrus. Explaining a system of collateral, mortgages, and notes, he said he was not connected with the retail sale of tracts in Ramseyer Gardens. A farm caretaker said he has raised citrus with water from the same ditch used for the Polmateers.

Asked if he owned the clubhouse, Bentsen, Sr., said no, Tip O' Tex Realty Co. owned it. There then ensued this "Q and A" between a lawyer and Bentsen, Sr.:

"Who owns Tip O'Texas Realty Company?"

"My brother."

"Your brother?"

"Yes, sir."

And:

"Now, is it not true that you hold an interest in a two and a half million dollar mortgage that that company owes, the Tip O'Texas Realty Company?"

"That they owe the Bentsen Development Company?"

"Yes, sir."

"Yes, sir."

In sum the Polmateers said they had been had by a conspiracy. The defendants vigorously denied the charges. Bentsen, Sr., said the record did not show he had profited, there was no showing he had an ulterior motive; indeed, he said, everything he had done was "normal, ordinary, everyday business transactions—perfectly lawful in character."

The judge ruled that the Polmateers were entitled to get back somewhat over $5,000 they had put in and to the cancellation and rescission (nullification) of the transaction. Attorneys for the Bentsens sought to get the judgment limited to Interstate, but the judge said it applied to the defendants "jointly and severally." But the judge refused the Polmateer lawyers' request for findings of fact. This meant that the allegations of Polmateers were not explicitly ratified or invalidated; the Polmateers simply got a judgment for damages from the court.[6]

After this test case, others were filed, the charges following the pattern of the Polmateer case. It is said that about fifty in all were filed. There were cases in the Valley, Austin, Lubbock, and Amarillo. References to about 20 have been found in newspapers, and records of most of those have been examined.[7] No point would be served reviewing them here. Be it remembered that Lloyd Bentsen, Jr., was not involved in any of these litigations and there was never any showing or representation that he participated in his father's or his uncle's land transactions.

This general situation was taking its early, post-Polmateer forms, and a trial of five consolidated cases was pending in Corpus Christi, when some of the elder Bentsen's friends invited several hundred of South Texas' leading business and civic figures to a dinner honoring Lloyd, Sr., and Elmer Bentsen. The principal speaker was Governor Shivers. Photographs of Shivers, the honorees, and Cong. Lloyd Bentsen, Jr., together at the banquet appeared in Valley newspapers. Shivers was quoted:

"Elmer and Lloyd Bentsen we appreciate not because they have accumulated wealth—a lot of men have done that; not because of their social position—lots of people have done that. . . . They have accumulated friends. Nothing man can do is any greater than to acquire true friendship."[8]

In the consolidated trial in Corpus Christi, in which nine plaintiffs sought $46,877 in damages and recovery of some land, Bentsen, Sr., testified that at no time in his career had he been convicted of any land fraud. The jury found in these cases that no conspiracy had existed, but hung on the question of fraud. Later Federal Judge James Allred dismissed the allegations of fraud against the Bentsens in these cases.[9]

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[6] *Alry Polmateer and wife* v. *Lloyd M. Bentsen, Sr., et al.*, C.A. 652, and many associated newspaper stories—e.g., *Brownsville Herald*, *Valley Evening Monitor*, and *Corpus Christi Caller-Times*, during the months of February, April, and May, 1951. The case attracted wide attention for a private suit. The *Brownsville Herald* on April 15, 1951, carried a five-column page one headline, "Court Rules Against Bentsens in Land Fraud," and the decision was major front-page news as far north as San Antonio.

[7] See, e.g., C.A. 752, 754, 777, 742, 766, in the Brownsville division of the Southern District, and C.A. 846, 847, 848, 849, and 850 in the Corpus Christi division (Fort Worth records center).

[8] *Valley Morning Star*, Dec. 22, 1951; *Valley Evening Monitor*, Dec. 21, 1951; *Edinburg Daily Review*, Dec. 22, 1951.

Settlements of some of the other cases were occurring. Terms of such agreements do not usually become public, but it is rumored in the Valley that in many of the settlements, plaintiffs got back not less than half of the cash they had put in, along with cancellation of the deals.

Allred also ruled that in the case of Blackwell vs. Bentsen, Sr., *et al.*, brought under the federal securities act, the federal law was not applicable; he dismissed the case before any consideration on the merits. The Fifth Circuit Court of Appeals reversed him, saying the law did apply to the facts as alleged. The U.S. Supreme Court declined to go further into the matter, which was interpreted as validating the appeals court order that the matter be returned to Allred's court and adjudicated further. This telling development at the highest court level occurred in the spring of 1954. Blackwell and his associated plaintiffs were asking, of the Bentsen interests and others, damages totaling $353,332.38.[10]

The political ramifications of these events cannot have been missed by those in the know. When, in October, 1951, Grady Hazlewood, the long-time senator from Amarillo, became one of the attorneys in a lawsuit from there alleging fraud in land sales by the Bentsen group and others and asking $716,000 in damages, and the *Amarillo Globe* ran a black-caps page-one eight-column headline about it, "Valley Land Swindle Charged," the matter might still be passed off.[11] But in September, 1952, Smith & McIlheran took Shivers' deposition in connection with five lawsuits brought by buyers in the Texas Gardens development. Their allegations in their suits took the familiar pattern set in the Polmateer case, with variations for circumstances. The Shivers deposition records on its face that it was taken in connection with these five cases. Although the deposition never figured directly in any of the land fraud litigation, presumably there was some thought that the $450,000 transaction might have some relevance to these plaintiffs' claims.[12]

Such explosive stuff as the governor's $525,000 profit on an option for which he was to pay $25,000 in connection with land that subsequently became involved in charges of land fraud—that was not to be kept secret for long.

Only a month before Shivers gave his deposition in 1952, he had bolted the national Democratic ticket against Stevenson and Valley newspapers reported that Cong. Lloyd Bentsen, Jr., went along with him, as reported elsewhere in this issue. As the intense political feelings engendered by the Shivercrat revolt built toward the 1954 elections, stories began circulating about the Shivers deposition.

In his questioning of Shivers, attorney Smith had pursued lines of questioning predicated on curiosity whether Shivers knew anything about the methods of selling land used by Texan Development Co., had seen to the sufficient enforcement of the state real estate law, and had had anything to do with the issuing of water district 16's 1949 water permit by the state. In general Shivers' answers had parried Smith's questions harmlessly. The rudimentary political implication of the deposition abided in the terms of the option transaction, itself, and the timing of the issuance of the water permit.

The deposition, taken in Austin, had been mailed to Allred's court sealed and had not been unsealed. J. R. Parten, the wealthy Houston oilman, a leading loyalist Democrat, and a Yarborough backer, wanted Yarborough to demand publicly that Shivers open the deposition and explain it.

"Parten knew all about it when we started these discussions, probably in the summer of 1953," says Pat Beard, a Waco attorney who, at that time, was a key figure in Central Texas pro-Yarborough politics. "Certainly he knew about the deposition, he knew every detail of it. Cullen Smith [another Waco attorney] knew about it—hell, they took the deposition. It was not a question of what was in it. That was well known. The purpose was to fix it so it could be published. As long as it was under seal, it was not privileged."

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[9] See the *Corpus Christi Caller-Times,* February and early March, 1952, and July 2, 1952.

[10] *Blackwell et al.* v. *Bentsen* (*Sr.*) *et al.*, 203 Federal Reporter 2d Series 690 (1953); 346 US 908, 98 L ed 406; 347 US 925, 98 L ed 1078. Of course many newspaper stories can be consulted in association with this litigation. See, e.g., *Valley Evening Monitor,* June 28, 1951, and *Corpus Christi Caller,* March 10 and 16, 1954.

[11] *Amarillo Globe,* Oct. 11, 1951.

[12] The five plaintiff groups are styled, on the face of the Shivers deposition, as Lloyd Behringer and wife; Harold Hrdlicka, *et ux;* Charles Landergott, *et ux;* S. R. Jennings and wife; and Melvin C. Sims and wife. In each case the defendants are styled Lloyd M. Bentsen, Sr., *et al.* The defendants included Texan Development Co. and Texan Realty Co.

Cullen Smith had practiced with Smith and McIllheran, then had moved to Waco.

Early in February, 1954, the *Valley Evening Monitor* ran a story headlined "Bentsen Land Suits Involving $70,000 in Damages Settled." The cases were the five with which the Shivers deposition was concerned.

Beard says that he was to be Yarborough's state campaign manager that year, but quit when Yarborough decided against blasting Shivers publicly on the sealed deposition. As Beard recalls, he drafted such a statement for Yarborough, but after it had been typed Yarborough asked the secretary who had typed it what she thought about it, and she said she didn't think it was very nice, whereupon Yarborough tore it up.

"I told him, 'Well, if you we're going to have so much disagreement on how to run the campaign, I'll just quit and go open the thing myself,' " Beard says. He continued as Yarborough's Central Texas campaign manager.

Beard's first ploy was an attempt to get the deposition sent to the trust department of a Waco bank for delivery to an unnamed person, namely, himself. Shivers' lawyers opposed this and took the bank officer's deposition to show Beard's hand in it.

Beard next reasoned that if one of the five plaintiffs would ask the court to unseal the deposition and provide a copy of it, there would be no basis for refusing the request. "I had to find me a plaintiff to get the thing opened," he says. "Cullen Smith assisted me in persuading Mrs. Landergott." Knowing that politics was the purpose, Mrs. Charles Landergott of Cedar Rapids, Mich., formally asked Judge Allred to give her a copy of the deposition.

Beard says:

"The clerk took it to Allred, and he kept it a long time, and he could hear Allred just *laughin'* back there!"

There then ensued a comic opera of lawyers' motions the like of which Texas had not seen since the 1948 Johnson-Stevenson senatorial election contest. Formally opposing the opening of the deposition, Shivers' lawyers declared they would take Mrs. Landergott's deposition. Lawyers for her replied, well, they would take *Shivers'* deposition. With that, the lawyers all agreed there would be no further depositions.

Allred, not wanting to rule on Mrs. Landergott's request, kicked the matter over to his colleague on the bench in Houston, Judge T. M. Kennerly, who, on June 24, 1954, abruptly ordered that the deposition be unsealed.

Yarborough made some political capital out of the deposition. Shivers said, "All that the deposition shows is that in 1946 I made some money on a land deal. There is nothing wrong with that."

Parten was a supporter at that time of Lyndon Johnson, as were most of the anti-Shiver Democrats. It would be difficult to believe that Johnson did not know of the deposition as Shivers considered whether to oppose Senator Johnson in 1954. Johnson's principal political concern at that time, in light of his controversial 87-vote election in 1948, was whether Governor Shivers would take him on. Shivers did not, but ran again. Whether or not Bentsen, Jr., had meant to run for governor if there was an opening, there was not, and he left Congress.

Bentsen, Jr., told the *Observer* from Corpus Cristi that he did not intend to run for governor in 1954. "I never did give it any consideration. Frankly, I felt I wanted to come back and develop my financial independence."

Shivers was re-elected but he had been weakened by the deposition, and when the land and insurance scandals broke in his administration in the ensuing year and a half, his day in Texas politics was done. Johnson and Yarborough defeated him in the 1956 spring conventions. Bentsen, Jr., sided with Johnson, who, with John Connally, backed Mrs. Bentsen, Jr., for Democratic national committeewoman. But Yarborough backed Mrs. R. D. Randolph of Houston, who was chosen.

The Hidalgo County land records show many of the transfers of Lloyd, Sr., and Elmer Bentsen's land interests to Consolidated American Life Insurance Co., which the Bentsens formed on Jan. 31, 1955. From the first, they and Lloyd Bentsen, Jr., and other of the Bentsens—Calvin, Donald, later Ted and Kenneth Bentsen—were directors in the insurance enterprise. The company's annual reports to the Texas Insurance Comsn. indicate, before and after the merger with Lincoln Liberty Life, an ordinary story of a slowly growing life insurance enterprise, paying little and sometimes no federal income tax, steadily enlarging its business gains from operations and investment income. Late in 1963 Bentsen, Jr., considered running against Yarborough in 1964, but decided not to. In 1968, with the appearance of a holding company on the scene, Bentsen, Jr. ceased being the president of Lincoln Liberty Life, continuing in his dominant official role through the holding company.

This, then, is some of the background to the political and business interrelationships that have culminated this year in the candidacy of Lloyd Bentsen, Jr., against Sen. Ralph Yarborough in the Democratic primary three weeks hence. The father is not the son and the son is not the father, but the subject is perplexing, even so. R.D.

THE STEVENSON QUESTION

McALLEN, HARLINGEN.—Just four days after then-Gov. Allen Shivers announced for the first time that, although a Democrat, he would not vote for Adlai Stevenson in 1952, a black eight-column headline in the *Valley Evening Monitor* said of the Valley's congressman at that time, Lloyd Bentsen Jr., "Bentsen Won't Support Stevenson." The story reported that Congressman Bentsen had said he would go along with Shivers in not supporting Stevenson. The next morning the *Valley Morning Star* down in the Valley in Harlingen reported the same thing.

The *Observer* asked Bentsen about the position as to Stevenson that was attributed to him in the Valley newspapers in 1952. He said it "is not correct" and added:

"I voted for Stevenson and sent a telegram to Sam Rayburn in which I said I was going to support Stevenson, and if I recall right the answers of all of us [in the Texas delegation] were published."

In 1956, as reported last issue, Bentsen, Jr., said at the May state Democratic convention that he had always voted for Democratic presidential nominees, although he had had varying enthusiasms for them.

The *Valley Evening Monitor* is the newspaper in Bentsen, Jr.'s home town of McAllen. On Aug. 24, 1952, that paper reported "Shivers Turns Down Adlai." Shivers had gone to Springfield, Ill., and been told by the Democratic presidential nominee that he did not support the state's claims on tidelands oil. Shivers flew back to Texas the same day and told a press conference he would not vote for Stevenson. The papers were filled, the next few days, with reports of a growing "Democratic revolt" in Texas against Stevenson. Atty. Gen. Price Daniel announced that he, too, would oppose Stevenson.

In this context, naturally, reporters were confronting every prominent Democratic official they could find for comment, and on Aug. 27, Bentsen, Jr., arrived in Edinburg to attend a chamber of commerce meeting and was interviewed.

The *Valley Evening Monitor* of Aug. 27, 1952, carried, on the front page, the eight-column headline, "Bentsen Won't Support Stevenson." The *Observer* learned this simply by going to the offices of the *Monitor* in McAllen and consulting the microfilmed back issues there. The sub-head said, "Representative Hits Adlai's Tidelands Talk."

Time has caused the type in the story beneath these headlines to blur and become difficult to read. Nevertheless, this much can be made out, under an Edinburg dateline:

"Representative Lloyd M. Bentsen, Jr., of McAllen joined Gov. Allan Shivers in a split away from support of Democratic Presidential Candidate Adlai Stevenson but said he wouldn't try to tell the rest of the people how to vote.

"Interviewed by the *Monitor* as he arrived here to attend a Valley Chamber of Commerce . . . meeting . . ., Congressman Bentsen said he would not personally support Stevenson because of his stand on the tidelands issue but 'I—" (at this point the type becomes unreadable).

This appears on Microfilm Roll No. 15, *Valley Evening Monitor*, July 1 to August 31, 1952, prepared by Micro Photo, Inc., Cleveland 3, Ohio.

The next morning, Aug. 28, 1952, the *Valley Morning Star* in Harlingen featured under an eight-column headline, Shivers' speech on the night of Aug. 27 attacking "more Trumanism," "socialized medicine," and other Democratic programs, along with the tidelands position of Adlai Stevenson. Also on the front page of this edition, and on the microfilm perfectly readable, was this story, under the headline, "Bentsen Breaks With Stevenson":

"Edinburg, Aug. 27—Rep. Lloyd M. Bentsen, Jr., will go along with Gov. Allan Shivers and Atty. Gen. Price Daniel in splitting with Gov. Allan Shivers over the tidelands issue, but said he would 'not attempt to tell the rest of the people how to vote.'

"Bentsen said he could not personally support Stevenson but that 'I have every confidence in the voters of Texas to make their own choice.

" 'I wouldn't be presumptuous enough to try to tell the people of Texas how to vote.'

"Bensten said this morning that he had seen very little of what Gov. Stevenson had said on the tidelands question, but that he was 'anxious to hear the report Shivers will make in his report on the talk with the Democratic nominee.' "

BENTSEN BANK STILL DEALING WITH PRO-YARBOROUGH PAPER

MISSION, EDINBURG.—The First National Bank of Mission has continued to advertise in the *Mission Times* despite that newspaper's endorsement of Sen. Ralph Yarborough and the reported remark by one of the bank's officials to the paper's editor that if they did so, there might be orders from "higher up" in the bank to pull all advertising from the *Times*.

Lloyd Bentsen, Sr., father of the senatorial candidate against Yarborough in the primary, is president of the bank in question. Bentsen, Sr., and his brother, Elmer C. Bentsen, are directors of it. Papers on file in 1966 showed that at that point the largest single stock holder in the bank was Lincoln Liberty Life Insurance Co., which held 456 of the bank's 1,122 and ⅔ shares. Bentsen, Jr., is president of Lincoln Consolidated, a holding company that controls Lincoln Liberty Life.

James Mathis, publisher of the *Edinburg Daily Review* and three other Valley papers including the weekly *Mission Times*, said to the Observer that he understood that a vice-president of the bank made the remark to the editor of the Mission paper, Tom Fatheree. It is not represented that it was more than a remark, and Mathis says that pressure may not have been intended, but pressure was the result because Tom was "shook up."

Mathis took the decision to challenge the remark as well as the removal of papers containing the offending editorial from the Fontana Motor Hotel in Mission, and his published complaints were amplified by Yarborough. "The time has come," the statement from Yarborough's campaign headquarters said, "when politically eccentric border barons and financial giants must be prevented from using their money clubs against the freedoms of the people."

Bentsen, Jr., said of the accusation, "They're reaching pretty far." John Mobley, Bentsen's state campaign manager, issued a statement that "no one . . . condones coercion against anyone who supports our opponent, including these two newspapers. We have no control over private citizens who might get unhappy with a newspaper endorsement."

The bank's weekly three-column-by-eight-inch ad has continued to run in the *Mission Times* without interruption.

BENTSEN, JR.: RECORD WRONG ON FARM PAYMENTS

AUSTIN, WASHINGTON.—Lloyd Bentsen, Jr., has taken issue with the *Observer's* report that he received more than $100,000 in federal crop subsidies in both 1966 and 1967 (*Obs.*, April 3).

"I received no payments of that size or even approaching it. If the records say that I received those kinds of payments, they're wrong," he said.

The senatorial candidate added that he has received soil bank payments, but they were "substantially less" than $20,000 a year—the maximum payment he has recommended for individual farmers. Asked if the payments cited in the story could have gone to his father, he said that this was possible.

The *Observer* rechecked the list of farm subsidies printed in the *Congressional Record* at the request of Sen. John Williams of Delaware. In the June 19, 1967 *Record*, S 8414, Lloyd M. Bentsen, Jr., of Houston is cited as receiving $152,352 in payments for 1966. The *Record* for May 23, 1968, lists payment of $108,904 to Lloyd M. Bentsen, P.O. Box 593 in Mission for 1967. Subsidies for both years went for land in Hidalgo County.

The payment for 1967 could possibly have been to Lloyd Bentsen, Sr., who lives in McAllen.

The *Congressional Record*, however, says the 1966 payment went to Bentsen Junior of Houston. If there has been an error, as the candidate believes, it is on the part of Senator Williams or the Department of Agriculture.

Response Solicited

Austin.—Last week, the *Observer* told Lloyd Bentsen, Sr., in McAllen that it was doing an inquiry into how he built his fortune and asked for an interview with him on the subject. He declined.

The *Observer* recognizes that the subject here undertaken, the origins of the Bentsen fortune, is many-faceted and difficult to grasp. Regarding it as especially important that our work on the topic be fair and correct, we invite anyone, including, of course, any of the Bentsens as well as anyone else, to advance to us promptly any additions or corrections of information, perspective, or interpretation.

With respect to the forthcoming Democratic primary, we note that our next issue will be delivered about a week before the voting, which would be plenty of time for any inadvertent errors of fact or fairness in this present report to be corrected in the minds of our readers.

STATEMENT OF EFRAIN FERNANDEZ, THE RIO GRANDE VALLEY, TEX.

Mr. Fernandez. Mr. Chairman, members of the committee, my name is Efrain Fernandez. I have been working in the Rio Grande Valley in Texas for the last 2 years. I have been working with the United Farm Workers Organizing Committee, Colonias Del Valle, and the Mexican-American Youth Organization. Before I came to the Valley, I worked with MAYO in Kingsville, Tex.

Hidalgo County has about 200,000 residents. Approximately 71 percent of the population is Mexican-American.

Hidalgo has Texas largest crop income in 1960, close to $51 million.

About 100,000 acres of vegetables are harvested annually with 65,000 acres in citrus, and 135,000 in cotton.

Fifty-four percent of Spanish-surname families have incomes less than $3,000, according to a study made at Texas A. & M. in October 1965. A study made at Texas A. & M. a year later revealed that half the Spanish-surname families had incomes under $2,000 per year.

The median family income for Spanish-surname persons in the McAllen area, which is relatively developed, was $2,027—less than half of the U.S. or Texas populations.

Median school years completed were 3.3 compared with 10.6 nationally and 10.4 for Texas.

Hidalgo ranks first in the Nation in the number of resident migrants, estimated to be from 37,000 to 45,000. Adjacent counties, Wallacy, Starr, and Cameron, contain about 50,000 more.

Unemployment in all occupations reaches 6.8 percent during November. It never falls much below 6 percent any month. It is difficult to ascertain what the unemployment in agriculture may be at any given time. An official at the Texas Employment Commission told us that it might be as high as 10 percent in December. Actually, the number of persons unable to find full-time employment in agriculture during the winter is probably much higher than 10 percent.

We are here to testify before the Subcommittee on Migratory Labor, an average of 85 days of labor.

Accident rates are 300 percent above the national rate.

We are heret o testify before the Subcommittee on Migratory Labor, not because we feel that the outcome will be productive for we have learned to put more faith in our own organizational efforts in our local communities than in the endless promises of the U.S. Congress.

For, you see, we are moving in the valley; we are organizing, regardless of the fact that these hearings are being held. We are organizing while these hearings are going on.

In looking at the health picture in the valley, I find that there are two parts: the physical problems and the psychological. Nutrition is one of the most serious physical problems and the doctors' testimony yesterday has adequately described it.

One aspect of the nutrition problem that I would like to describe is the distribution of surplus commodities in Hidalgo County.

The person in charge of the program is Tom Wingert who had served as sheriff of Hidalgo County for over a decade. The treatment which is given to welfare recipients by Mr. Wingert is more punitive and harassing than rehabilitative. For example, Mr. Wingert seems to take pleasure in having wives bring their husbands to collect the commodities. Their unemployment is the proof he wants but it is also a way to humiliate the husband who may be unable to provide for his family. Mr. Wingert is still a sheriff, watching to make sure that no one steals these luxuries.

Hungry school children fare no better, for the school lunch program in Pharr-San Juan Alamo reaches only one out of every 100 needy children. The reason for this is that Mr. Stockstill, the administrator in charge of applying for Federal school lunch funds, is deliberately negligent in carrying out his responsibilities.

Where we could have hot lunch and breakfast programs, he has either failed to apply for funds or submited unsatisfactory applications for funds.

The area of housing and sanitation, the availability of drinking water is a major problem. Babies have been known to die of diarrhea from drinking the impure water that is available in the Colonias. In many cases, people drink raw water out of the canal which is contaminated water out of the Rio Grande River. We have had dogs die from drinking this water, which is filled with garbage, fecal material, insecticides, and other pollutants.

Another serious problem is the presence of water wells within 10 feet of outdoor latrines. When the floods come, the wells and latrines overflow and the grounds become covered in mud and fecal materials. This may be 10 feet away from a house in a barrio.

Lack of sewers becomes a major problem in many areas. In the city of Pharr, there are 10- to 20-block sections which have no sewer lines whatsoever. I was startled the other day to find that people were having trouble with their sewers right in the center of the business district. When the residents confronted the mayor, Mr. Bowe, he refused to help them. He said he had no money but he's building a civic center for the tourists.

In a little Colonia, called La Hielera, the sewer problem is compounded with some deadly complications. Since people do not have any sewers, they have many outdoor latrines. When the rains come, the Colonia, which is in a deep depression, becomes completely flooded. The area then becomes infested with fecal material. This is a whole village I am telling you about.

The added sad part is that the land developer who sold the people these lots knew that the area would become flooded when the rains came. Incidentally, the area was under water for 3 months after the last hurricane.

The Mexican-Americans in Hidalgo County have a disproportionately high accident rate. This is caused by the negligence of management who does not care about putting in safety measures in the packing sheds of the fields. Children, for example, have fallen out of trucks without guardrails. People get sick in the fields when the planes come over and spray insecticides while they work.

Since we live with these environmental conditions every day, we were not surprised what the doctors found.

The psychological damage to our people comes primarily from the complete disregard by Anglos of the bilingual, bicultral phenomena. Our children fall behind in school, not because they cannot learn, but because the schools do not teach in our language.

Our people are taught to believe that our cultural heritage is not worthy of respect. They are taught to be ashamed. To be in the mainstream, they come to think that they must act like the Anglos and the Anglos except this of us. One striking example is the fact that the CAP board meetings are conducted in English, which many of our people cannot understand very well. This is so, even though the majority of the board is Mexican-American. This is a psychological stigma that hurts the spirit of our people and which we, in the union, are trying to correct.

Who or what is responsible for these conditions? Unquestionably, a major aspect is a pervasive racism mixed with economic discrimination which is used to exploit the people on the poor side of the track. The dominant group, which includes most affluent Mexican-Americans, uses the old cliches of individualism, the protestant ethic, and patriotism as the rationale for blaming the poor for their poverty—no matter how hard the poor work or no matter how few jobs are available, no matter how low the pay. They shift the responsibility to us, when it is these people who keep us down.

Some institutions must be mentioned that perpetuate the status quo. The schools are an example.

First, teachers are prohibited by law from running for office. This prevents the most educated Chicanos from assuming political leadership. School reform is blocked since the superintendent in Pharr, Dean Skiles, has conveniently lost records of school dropout statistics. Segregation is achieved by busing. An Anglo school may be close to a Colonias, but the Chicanos are bused across town to a school which has few Anglos. Anglos close to the Chicano school are bused to the predominantly white schools.

The power structure remains the same because of a calculated system of rewards and punishments. If you vote right, a traffic ticket will be dismissed. If you don't play ball, your rent will go up, or you may be evicted, or denied welfare or other benefits.

The mayor of Pharr, Mr. Bowe, does not announce city council meetings. When asked when they are held, he replies, spasmodically.

In the county, the county judge is the chief administrator. His name is Milton Richardson. Richardson was a dictator in terms of the power he wielded over the county's affairs. He would do such things as arrest someone for complaining about surplus commodity distributions. He would charge him with contempt of court for failing to give his name. Now he has been defeated and a Chicano will take office. Perhaps things will get better.

Here in Washington, this is only a story. Perhaps you feel bad about it. But we don't see much that you can do from here to end this local exploitation. We think the solution is in our own efforts to organize and gain power over our own affairs.

We don't want paternalism. We want the right to organize and the laws that will support our efforts.

To us, this is just another hearing. Maybe it is helpful. It can't hurt us. How can we be hurt more? We are the bottom already. If you can protect and support our organizing efforts, you would be helping. Let's face it. Without that, we are wasting each other's time.

Senator MONDALE. Thank you, Mr. Fernandez, for that very fine statement.

You make the point that whatever may have been true in the past, the organization and the people you represent today no longer look to Washington for help.

I gather that underscores the feeling of pessimism about any possible Washington response that would improve the lives of the people in your area. And also the feeling that Washington aid distracts attention from what you regard to be the real efforts that offer hope. Basically, that hope lies at the community level, through community and union organization.

Do I understand you correctly?

Mr. FERNANDEZ. Yes; that is essentially what I am trying to say.

Senator MONDALE. At this point I would like to enter into the record a personal letter I received this morning from Mr. Tony Orendain, who is the Texas director of the United Farmworkers Service Center in McAllen, Tex. I know Mr. Orendain personally and respect him as one of the great leaders of the nonviolent movement for farmworker justice and dignity. I think his letter reiterates an important point

(The information referred to follows:)

UNITED FARM WORKERS,
ORGANIZING COMMITTEE/AFL-CIO, TEXAS BRANCH,
McAllen, Tex., July 15, 1970.

Senator MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This letter is being sent in order to explain my true motives for not being present at these important hearings, although who is to "hear" them and what is to be done is hard to tell.

It was by luck that I was asked to help a group of medical specialists in the study they made in the Valley, in which they found what I have lived for twenty years, but due to our very different analyses, because of our differences in education, the interpretations were very different. They were surprised by the findings, but we were strengthened by them because it represents a victory in our fight, a victory of the soul, since we see that we have gained ground, although at first sight one doesn't notice it, due to the materialistic world in which we must show our accomplishments. The federal government has been converted into a modern Don Quixote de la Mancha: it comes, it has hearings, it pronounces a sentence, and then it allows someone local, a "compadre" for the growers, to administrate the programs. But it has the same result as what happened to the shepherd lad who was tied to the tree when Don Quixote came upon him: his boss had been beating him for failing to take good care of the flock, and the boss promised Don Quixote that he would treat the shepherd better, but as soon as Don Quixote left, the boss began to beat him harder than ever. Perhaps the comparison is not so good, but the results are the same, since we, the poor, have no way to guarantee that our rights will be respected, and the rich can protect themselves by the heat of their money.

Day by day, we see how the poor worker of Texas blames his parents and brothers who come from Mexico—because of the influx, they have to migrate to the North, to Illinois, California, Colorado, and so on, and the workers of these states complain that the Texans undercut their minimum wages. In this way, we see that a worker blames another brother for working for the "American Way of Life:—free enterprise system—which consists of: anyone who works cheaper, has the right to live. . . . The problem is that the growers take advantage of this "American Way of Life", and make the ones who are hungriest work cheaper, or in other words the "free enterprise system" lowers the wage so much that it even plays my necessity against the hunger of my parents. In the past election, President Nixon lied to the American public and especially to the farm workers when he said that the National Labor Relations Board does cover every worker in America, and so the union should not use an illegal method like the grape boycott, and then reinforced his point by eating grapes in front of the national TV cameras. He knows that the boycott is not illegal, but a real American way to accomplish things; he is a lawyer by profession so he must also know that the N.L.R.B. does *not* cover the farm worker. President Nixon also said that it would be a shame to the public to have to freeze prices and salaries. But it is not a shame, evidently, to tell farm workers they have to live with a minimum wage of $1.30 an hour or less. Any other new law would even be more violated, because of the lack of enforcement.

The only thing which remains for me to say is to affirm two ways in which the modern "Don Quixote" could help us: Since he cannot be everywhere to keep all the promises or enforce all the laws which he has made to his "Dulcinea de Toboso", if he really wants to do something he should leave us to unite ourselves, or give us collective bargaining rights. This is similar to what Teddy Roosevelt said, "Talk softly and carry a big stick", and the unity of the poor is the only stick which they have. The second thing would be to impose a fine of a thousand dollars or more on all the employers who give work to the "wetbacks" or illegals, and not continue the present method of dealing with illegals, which is to jail them for over six months, while the employers just laugh and go on looking for more wetbacks who are willing to commit the great crime of looking for work at the risk of going to prison because of his great need.

In conclusion, then, I must state that we of the Union here in South Texas have abandoned hope in the worth of one more hearing in remote Washington. There have been too many hearings from which, with all good intentions, no real improvements have come to the farm workers. But my faith in our government remains firm. When will it allow us to help ourselves by our own collective effort—simply by specific legislation to permit us to bargain collectively for contracts which will guarantee the farm workers a decent wage? All the other programs only increase our dependency at the expense of our dignity. I will continue to work here at the bottom of the barrel, waiting for the government to help us rise upward.

Viva la Causa,

Antonio Orendain.

Senator Mondale. One of the key tools that you want is coverage under the National Labor Relations Act, proposed by Senate bill 8. The right of farmworkers to organize in the unions and choose collective bargaining agents just as most industrial workers generally have been permitted in the country for well over 40 years under the National Labor Relations Act is presently denied.

Do I understand that correctly?

Mr. Fernandez. That is correct, except we have very prohibitive State laws at the time which make it very hard to organize the union in the valley.

Senator Mondale. One point which has plagued us in this effort has been the fact that you are so close to the United States-Mexican border. I suppose if there were any group in the world that has a difficult time organizing, even if you had coverage under the National Labor Relations Act, it would be people in your area because, as you know, workers can come in and take jobs of strikers even under the National Labor Relations Act.

I think if UAW had to organize Ford Motor Co. in McAllen, Tex., they would still be trying to organize the plant 35 years later, because of the almost unlimited supply of strikebreakers and scabs. I hate to call border crossers that because they are so desperately poor and disadvantaged. But, in fact, there are millions of unskilled, impoverished Mexican nationals who can, no matter what anybody says, freely cross that border when they want to. This is happening every day, and it contributes to tragically depressed living and working conditions to the detriment of both the United States and Mexico.

Do you not see the need, in addition to the right of organization under Federal legislation, the need to do something about illegal entries and the unlimited practice of farmworkers and others crossing that border? Don't you see that as an essential part of this effort?

Mr. FERNANDEZ. Yes; I definitely do. I think that the need is in keeping the international border situation from being used by the power structure in times of strike, especially in times of strike, that this situation is used to bring workers across and break the strike.

Senator MONDALE. Do you have any doubt that they are used in that way now? That it in fact happens today?

Mr. FERNANDEZ. I have no doubt that that happens. It definitely does. The power structure in the valley depends on a very large labor supply. The larger it is, the better it is for them.

Senator MONDALE. I think, as a result, that there is a good deal of evasion by farmers and growers of the laws that we of the States have passed—unemployment insurance, workmen's compensation, social security, and others these workers are entitled to are not enforced, and there is no way to develop the power to insist on enforcement.

My impression is that those laws are being widely violated today in southern Texas, where there is virtually free passage of foreign nationals into the United States.

Mr. FERNANDEZ. I would prefer to have Mr. Dunwell answer that question.

Senator MONDALE. Mr. Dunwell, would you like to respond?

Mr. DUNWELL. I think you are correct, Senator, that there is wholesale evasion of certain of these laws.

As I said before, of course, unemployment compensation and workmen's compensation just don't cover the farmworker. It is a matter of discrimination per se, fundamental discrimination.

You are quite correct on the part of the social security law and minimum wage laws which require reporting.

Senator MONDALE. It is my impression that the minimum wage law is being widely violated.

Mr. DUNWELL. Yes; that is correct.

Another violation that I might mention in terms of an organizational violation is at the Texas Employment Commission in the valley. There are some concerned people in the employment commission office but there have been placed in the valley, and you saw last fall the TEC recruiters at the bridge referring people to trucks going north. The north is flooded with wetbacks and green carders at this moment. TEC is involved in that.

TEC is also in its fair hearing procedures very strongly weighted against the worker. We had a case where a man was applying for unemployment compensation and was turned down by the hearing officer because the man had sought the aid of an attorney. What kind of decision is that? It doesn't make any sense.

Senator MONDALE. It is impossible to recreate here the feeling along the border in that shapeup period in the early morning. There are flat-bottom trucks with no guardrails, that are used to pick up and haul these workers, almost like cattle. These young people, many of them children, are picked up for a day's work just after crossing the border; they risk their lives, really, driving around on open highways in these unsafe trucks.

I spent time talking with some of the kids who had congregated in the shapeup area. It is amazing. Some of them had worked a week and been paid $2 or $3. They said that a social security deduction was taken out of their pay. Sometimes they would take 50 cents out of every dollor; no checks, no receipts, no records, nothing.

It is really the "Grapes of Wrath" very much today. So, when you talk about improvement, I am in no position to believe that there has been much, if any. If there has been improvement, it really is not significant improvement.

You talked about the election of a new judge?

Mr. FERNANDEZ. Yes.

Senator MONDALE. Was that in Hidalgo County?

Mr. FERNANDEZ. Yes; it was.

Senator MONDALE. Has this been the result of some of your efforts?

Mr. FERNANDEZ. Some of it due to our efforts. A large part of it through the union. The union has its own following, very large following, in the valley now. There are some publications which have arisen as a result of the union and a radio program which is very sympathetic to the union cause. In times when elections come up, these things always help.

Senator MONDALE. Do you see any hope in the growing political power in many of these communities? There are many communities in which Chicanos are in the majority, are they not?

Mr. FERNANDEZ. Yes; I do hope very definitely; as a matter of fact, one of the solutions we are seeking right now or one of the methods we are seeking to get more political power is the formation of a new third party, largely because of the disillusionment with the two major political parties of the United States.

As a matter of fact, to run for county commissioner or county judge, one has to pay filing fees upward of $2,000 there in Hidalgo County.

Senator MONDALE. $2,000?

Mr. FERNANDEZ. Yes.

Senator MONDALE. That is more than you have to pay to run for Senator in Ohio.

It is more than it is worth.

In the hands of a creative judge, though, that could be just a small downpayment. [Laughter.]

Do you see some hope of a growing political awareness and activity in some of these counties?

Mr. FERNANDEZ. Yes; I do except that because of the low rate of education, the low amount of education, it is very difficult and because of the fact that the State of Texas does make a deliberate, conscious effort to make the ballots as complicated as they can make them, the electoral process is difficult.

Senator MONDALE. Do you have annual registration in Texas?

Mr. FERNANDEZ. Yes.

Senator MONDALE. The rolls are entirely purged annually. It is the only State in the union where that is true. You have to go back every year to register.

Mr. FERNANDEZ. Yes; every year, we have to have a registration drive.

Senator MONDALE. One point you made which I think may not be fully understood by the committee is the way they have personalized the welfare program down there.

In order to get, for example, food stamps or commodity foods, you have to go to the local community judge and he signs a slip. If you are not a "good Mexican," you do not get the slip?

Mr. FERNANDEZ. That is the way they do it; yes.

Senator MONDALE. So, in many places the welfare system is used as a tool for political control?

Mr. FERNANDEZ. Yes; it is.

Senator MONDALE. Would that be an unfair characterization?

Mr. FERNANDEZ. No; it would not. Not only is the welfare surplus commodity program used for political leverage but the police departments, the issuance of license plates by justices of the peace, the housing projects, are especially used in city elections. All sorts of programs that should be neutral by law are used for political purposes.

There seems no way to follow due process in order to prosecute the people who are doing this. There seems to be no solution.

In the city of Pharr, we saw many violations during the absentee voting period in the recent city elections. For instance, the absentee votes were higher than the amount of votes cast during the election day, itself.

Senator MONDALE. Does that happen in Ohio, Senator Saxbe?

Senator SAXBE. Could that be because the people who are Mexican-Americans move north to work?

Mr. FERNANDEZ. No, sir; it would not, because the elections are held in April. The migrants really do not begin to leave in strength until about May.

The reason is that the people were prodded in some ways, intimidated into voting early, to vote absentee; I think the main reason being that when you vote absentee is is much easier to see how you voted than it is when you vote by machine on election day. This is the predominant feeling of the community that people do not really vote secretly.

Senator SAXBE. They voted early rather than go in on election day?

Mr. FERNANDEZ. There is even a feeling that some were fictitious people. Not only a feeling but we have found what I feel to be evidence that substantiates this; except that we can't do anything about it because there is no, shall I say, no way out, no way to solve this.

Senator SAXBE. Do you recall last year we had the so-called tomato war at Laredo along the border when the Department of Agriculture tried to shut off the flow of tomatoes because of grower pressure at that time, the Florida growers and others?

Now, as we hope we can improve the farmworkers' condition, is this going to drive more of this truck produce into Mexico and, if it is, how can we combat that?

Mr. DUNWELL. On my first trip to the valley, I was in a plane, and I talked to Ike Griffin, Jr., whom I didn't know at the time. We had a delightful chat. He was telling me that Griffin and Brand were already moving to Mexico. I think it is inevitable that that is going to continue. I just don't know what can be done about it. Ultimately, I think what is going to happen is that labor will be organized north and south of the border.

Senator SAXBE. Is there any hope of that?

Mr. DUNWELL. I think there is. I think if we are successful in Texas, in Florida, in California, the very fact that we have unionized labor that close to the border is going to work in reverse the process we have seen before, where we had large numbers of surplus labor south of the border which was working against organizing attempts.

Yes; I do. We have a very large labor audience for our radio program in Mexico. It is larger even than our audience in the United States.

Senator SAXBE. If you are capable of organizing and you do have a union, one of the things you would require would be that a worker get a day's work, is that right, or would you say a half day?

Mr. FERNANDEZ. Many times it varies.

Senator SAXBE. I know today they don't get a day's work. They will get 2 or 3 hours, maybe, or if it rains, the grower will just haul them out and haul them back.

Will requiring a full days work necessitate changes in growing practices? You talk about a 40-acre field. If you haul two truck loads of people out there and harvest for 4 hours, that would be an uneconomical practice if they had to pay the people for a full day, would it not?

Mr. FERNANDEZ. I am not so sure I understand what you mean.

Senator SAXBE. Mr. Dunwell talked about the practice where there would be a 40-acre field ready for harvesting. They will go and get two truckloads of people, haul them out there, and harvest the fields in 3 or 4 hours. Then that is all the pay the workers get.

Now, if they would require the farmers to pay a day's pay, once they shaped them up, would that not require a substantial change in some of their growing and harvesting practices down there?

Mr. DUNWELL. I don't think it would, Senator. Obviously you can harvest a field a couple of ways. There is only a given quantum of work. You can harvest a field in 2 hours with a lot of people, and that is the end of it; or you can harvest a field with a minimum number of people and give them a day's work.

As it stands now, a larger number of people are getting less hours of work. Unless the wages are much, much higher than they are now, they just can't live that way. It makes no sense to go out into the field; by the time the trucker has taken his cut you have nothing to show.

Senator MONDALE. Senator Schweiker do you have any questions?

Senator SCHWEIKER. In your statement you refer to the case in the field, as I recall, where they lowered the pay rate of the picker retroactively.

What pretext or what basis or what rationale was used in this particular case and does this happen frequently? Is this an unusual occurrence? Will you give a little more background to something which I think has been unheard of?

Mr. DUNWELL. Typical in the valley is the absence of rationale. A field man came in and said the wages are 5 cents less per basket that you picked this morning. There is no rationale. Nobody feels compelled to give you the reason.

Would you refresh my memory as to the second part of your question?

Senator SCHWEIKER. What rationale was used or what was the environment that gave them an excuse to do something like that? How frequently did it occur?

Mr. DUNWELL. As I said, there is no rationale. The environment is one in which the field man feels utterly confident that he can do this sort of thing. Until the United Farm Workers get sufficiently powerful to begin to protect these people, and we are not as powerful as we would like to be, nothing can be done. It just happens and we have no redress.

I cannot tell you whether this particular kind is frequent or not. It is just one of the cases that has come in. We have heard of two or three others like it but there is a variety of more or less similar kinds of things.

Very often you see people going up North on a written contract. They have a piece of paper but they get up there and find that all the terms of the contract are meaningless. There are wholesale deductions for food, for transportation; the money goes to the trucker. People can go up North on seemingly fantastic contracts, some of them written by very, very large canning companies that produce the food you buy here in Washington; big names.

Senator SCHWEIKER. In the next paragraph of your statement, as I recall, you then referred to this violation of the minimum wage.

I am just curious as to what kind of violation this was. Was this a violation of the State law? Was it a violation of any Federal law that would apply? What specific law did they violate and how are workers protected?

Mr. DUNWELL. At the time of that incident I spoke to you about and the one last year, there was only the Federal minimum wage law applicable in Texas. These people were covered under the piecework side. By reducing the wages retroactively they made, in addition to breaching the contract, they also pushed the wage below the Federal minimum wage. It was only January 1, 1970, that Texas had a minimum wage law.

Senator MONDALE. Does that apply to farmworkers?

Mr. DUNWELL. It does.

Senator MONDALE. What is the minimum?

Mr. DUNWELL. The minimum for agricultural workers is $1.10 an hour. It is pegged 20 cents below the Federal minimum. As of yet, there is no piecework rate in Texas. I am not sure that the majority of the fieldworkers are piecework but a substantial amount is. At least for the next year, there is no coverage.

Senator MONDALE. Would it not be fair to say in response to Senator Schweiker's question that the environment is one in which the workers have no power to protect themselves?

It is entirely up to the grower, himself, as to what he wants to do, what he wants to pay them, what kinds of sanitary facilities, pesticide protections, and working conditions he is going to provide in the field?

And the environment is one where there is an unlimited supply of workers. I think it is fair to say every morning there are workers who can't find work, standing at the border looking for work.

Mr. FERNANDEZ. It seems like it is really useless to analyze or try to cope with the myriad of laws, minimum wage laws, and the Texas Employment Commission and the other agencies. Really the person that has all the information that has all the power, is the grower. It becomes futile to try to do something with the existing situation.

Senator SCHWEIKER. In your testimony, too, you also mention the grower subsidies. You cited several growers and their subsidies.

What phase of the agricultural subsidy program would cover this particular case? In other words, what crop subsidies were they? We just voted, as you well know, a $20,000 ceiling on subsidies. I think all of us here voted for that ceiling. I am just curious under what mechanism of law they are getting subsidies.

Mr. DUNWELL. Cotton.

I was reading in the Post on the way over that President Nixon agreed $55,000 might be a fairer figure.

Senator SCHWEIKER. That is all, Mr. Chairman.

Senator MONDALE. I just want to ask one question, Mr. Fernandez.

You referred to segregation of schools. I am glad you did because I have been trying to persuade the Justice Department that, if they are really interested in getting rid of segregation, they will find just as much official discrimination against the Chicano in Texas and many other communities as they will find against the blacks, say, in Louisiana.

Would you agree with that? Would that be an unfair characterization?

Mr. FERNANDEZ. I will agree that you will find very much discrimination against the Mexican-American. I don't think you will find as much as you would against Negroes but almost nearly as much, really.

The fact we do not have any bilingual education and we are further hampered by the language problem would put it in the same shape as the Negroes, educationwise.

Senator MONDALE. One of the standard techniques in dealing with the Spanish-speaking Chicano is to put him in a special education class where he is treated as subnormal. This is a very standard and recurring phenomenon. He may be very bright, but because he can't understand the English language they put him in a special education class. That is another way of discrimination.

Mr. FERNANDEZ. Yes; it is. The fallacy of that is that many times the testing is Anglo-oriented; therefore, the child, if he is brought up in a Chicano way, is bound to flunk the test; therefore, he will be put in special education.

The attitude that surrounds these little special education programs is that this is the crazy school. Even among teachers, there is the attitude.

Senator MONDALE. Just one final question, Mr. Dunwell.

You are an attorney and admitted to practice in New York.

Are you admitted to practice in Texas?

Mr. DUNWELL. No, Senator, and I don't represent clients individually in cases.

Senator MONDALE. Have you practiced at all before the Federal bench?

Mr. DUNWELL. No; you have to be admitted for a year to do that. None of the three attorneys in our office, there are two Texas attorneys, has been admitted to the Federal bar, but we have filed two suits with cooperating attorneys in the court.

Senator MONDALE. Thank you very much for your most useful testimony.

Our next witnesses are Mr. Joseph Segor and Rudolfo Juarez. Who wishes to begin?

STATEMENT OF JOSEPH C. SEGOR, EXECUTIVE DIRECTOR, MIGRANT SERVICES FOUNDATION, INC., MIAMI, FLA.

Mr. SEGOR. Senator, I will begin.

Senator Mondale and members of the committee, my name is Joseph C. Segor. I am the executive director of the Migrant Services Foundation, Inc.

I am a lawyer and for the past several years have concentrated my efforts on the probelms of farmworkers. From May 1967 to September 1969, I was the executive director of Florida Rural Legal Services, Inc., an OEO-funded legal services program operating in seven south Florida counties.

The Migrant Services Foundation is privately financed and provides legal and other services to farmworkers in Florida. We are headquartered in Miami, but operate throughout the State.

My companion is Rudolfo Juarez, executive director of Organized Migrants in Community Action, Inc. (OMICA), the largest farmworker organization in Florida. He was born and raised a migrant, eventually becoming a crew leader.

Recognized the exploitation of migrants by crew leaders as well as others, he quit, at great financial sacrifice, to work for several OEO rural programs prior to becoming the operating head of OMICA. OMICA maintains a full-time office in Homestead, Dade County, Fla., and has chapters in a number of locations throughout the State.

I will present a short prepared statement, after which we will both be happy to answer questions.

Mr. Chairman, the newspapers and news programs have been filled with accusations by growers, agribusiness organizations, and political leaders in our State that the recently aired NBC Migrant White Paper produced by Martin Carr and narrated by Chet Huntley was biased.

These individuals and organizations were so certain of their position that they made their accusations even before they saw the show. Our Governor, whose protests were among the loudest, appeared to be trying to create a self-fulfilling prophecy of bias by declining to appear on the program.

The dictionary teaches that bias implies unreasoned and unfair distortion of judgment in favor of or against a person or thing. It is the thesis of my remarks that the State of Florida, through its governmental institutions at all levels, as well as its social and economic structures, is biased against the farmworkers.

I would modify the dictionary definition somewhat, however, because in my opinion the bias which oppresses farmworkers is in many instances not unreasoned, but a deliberate, calculated and purposeful attempt to maintain an economic advantage regardless of the cost in human misery.

Also, inextricably connected to the economic motivation is a deep and pervasive racism that permeates all of rural and much of urban Florida. Present, too, is a hypocritical selfishness that masks itself in a philosophy of radical individualism and surfaces as an extreme hostility to programs, especially Federal programs, intended to aid the needy, the helpless and the powerless, particularly when these are black, Chicano, or Puerto Rican. At the same time, every effort is made to obtain Federal largesse which benefits the dominant economic, political and social groups.

The abuse heaped upon NBC was only one minor manifestation of the foregoing characteristics. To anyone familiar with migrants, the NBC show understated rather than overstated their problems.

Senator Mondale. Mr. Segor, one of the issues that has arisen is that very issue of the NBC documentary.

Am I correct that efforts were made by certain interests in Florida to encourage local television outlets not to carry the documentary in that State?

Mr. Segor. One of our local papers in Miami, I think it was the News, carried an article that the Fort Myer station, for instance, was not going to carry the show. Ultimately, it did. We don't know what pressures may have caused it to change its mind.

We do know that the show was pre-aired on channel 5 at Palm Beach. So far as we know, it was not kept off the air in our State, but I think pressures were there.

Senator Mondale. I also was told that the Governor of the State of Florida sent a statement to each of those stations insisting that it be read following the program.

Do you know if that is correct?

Mr. Segor. I am not sure of that, Senator.

Senator Mondale. I am also told—as a matter of fact, Mr. Huntley said—that the Governor was offered a chance to participate in the program but declined to do so.

Mr. Segor. That is correct. I know that for a fact.

Senator Mondale. That is not unusual for the Nation's most extraordinary Governor.

Mr. Segor. It is unusual for him to miss any opportunity to be on a television program.

[Additional information about the television documentary appears in the hearing of July 24, 1970.]

Senator Mondale. We were in Collier County where we saw hunger. Mr. Juarez testified there, where we saw some of the most abysmal human conditions I have ever seen. The Governor came in and told us it was none of our business, to get out of there.

Mr. SEGOR. That is rather typical of the activities and the attitudes in our State.

As my prepared statement indicates, there are places in Florida that have worse housing conditions, worse conditions of every kind, than were shown on that show. In fact, I was present when NBC filmed a little place called Jerome, which is far worse than anything they finally put on the air.

The feeling really of oppressiveness that occurs in rural Florida among farmworkers is something that even the art of a very good TV show cannot fully bring across. It is something that you can only live. Of course, I even live it vicarously. I can go back to Miami to my middle-class home, but Mr. Juarez, his people, and the blacks, they live it all the time.

The conclusion of the NBC show, I believe, was wrong because it concluded that all Americans are responsible. That may be rhetorically true but there are men and institutions that are at fault and I believe that they should not be allowed to hide in the crowd.

A specially good example of institutional hostility to farmworkers was the State response to their pleas in the spring of this year that they be accorded the unemployment benefits provided in the Disaster Relief Act of 1969.

A complete account of this shameful episode is contained in my report to the board of directors of the Migrant Services Foundation, Inc., a copy of which it attached as an appendix to these remarks.

Senator MONDALE. That will be included in the record at the conclusion of your testimony.

Mr. SEGOR. Perhaps the best short summary of what happened is contained in a headline from the Fort Myer (Fla.) News-Press of April 10, 1970, which read, "Disaster Relief: Farmers Get It, Migrants Want It."

Unfortunately, or, more properly, I should say, tragically, they did not get it, despite our best efforts and your help in Washington to obtain it.

The motives that lead growers and State officials to combine to prevent the migrants from receiving assistance specifically provided by the Congress for their benefit must inevitably remain conjectural, but the consistently repeated viewpoint that migrants won't work if they learn that they can get something for nothing is, no doubt, at least part of the answer.

It is never explained why, if migrants are paid as well as growers claim, they would want to continue on a dole providing a maximum of $40 a week. Nor why, in other contexts, they would prefer to get commodities, food stamps or welfare assistance, rather than work for the bountiful wages claimed to exist. (See Miami News article of July 17, 1970.)

This managerial philosophy of "starve 'em or else they won't work" appears to be a rationalization that allows the growers and their allies to live with the exploitive system they control. This rationalizing process takes another and perhaps more pernicious form in the "let's appear to do something for them" syndrome. This takes two primary forms. The first involves the making of promises without any attempt at delivery. A good example of this was Governor Kirk's "action plan," unfolded in the spring of 1969. Some of the target dates contained in the plan are interesting and, in a morbid way, amusing.

April 15, 1969—"GO"—typical of the public relations gimmickery of our State.

April 16, 1969—State Advisory Commission on Migratory Farm Service appointed.

April 21, 1969—Joint meeting in Tallahassee of Federal, State, and local officials to create task forces.

May 1, 1969—June 15, 1969—"all existing migrant programs in State evaluated by on-sight inspection of specialist."

July 16, 1969—report and recommendations to Governor and Federal agencies.

August 15, 1969—coordinated program underway.

Well, we are still waiting for that boat to come down our river. We don't expect it ever will.

Senator MONDALE. When we heard testimony at Immokalee, I believe the Governor had some complicated charts about an interstate compact.

Mr. SEGOR. That was the action plan. The legislature took it over from the Governor. So we have both branches of our State government exercising gimmickery on behalf of the migrants.

The other manifestation of the "let's appear to do something for them" is actual creation of an institution that will appear to do something, but either because of its basic design or its manner of operation, or both, will in fact do nothing.

A fine example of this purposefully bad kind of engineering is the recently enacted statute creating "the Florida Legislative Commission on Migrant Labor and an Advisory Committee Thereto." The bill makes a pass at recognizing that there is a problem by stating that "* * * the most economically and socially deprived segment of population in the United States of America consist of those persons generally referred to as migrant farmworkers * * *"

It goes on to create a commission composed of three members from each house of the legislature. The commission is authorized to enter into "agreement for the establishment of cooperative arrangements" with other States. The Governor is authorized to enter into an "interstate migrant labor compact" in substantially the form set forth in the statute.

The compact would set up an Interstate Migrant Commission which would only have the power to do research, suggest proposals, and cooperate with other agencies. In essence, the Commission would be powerless and would be dependent for financing upon State appropriations to be requested by it. This toothless tiger is only one illusion contained in the bill.

The other is an advisory committee composed of representatives of five State agencies, four enumerated grower organizations and, presumably for balance, a representative of the Florida State Federated Labor Council. This latter choice is unique in that if there is one place the farmworkers are not represented it is the labor council.

There are also positions open for not less than two, nor more than four, other persons selected and appointed by the Commission. There is not the slightest guarantee that the farmworkers will be directly or even indirectly represented by anyone close to them.

The legislative commission was created without any consultation with farmworker organizations of their allies, although these are well known to the legislature. Three of the grower organizations were added at the demand of a grower lobbyist. It can be expected that the additional representatives will be "safe" people not likely to cause controversy by strong and persistent advocacy of farmworker rights.

Even if good people are added to the committee, the whole focus of the bill is outward toward an amorphous alliance of States to occur at some unknown and inevitably far distant date when a dozen or more State legislatures can get around to ratifying the pact. It completely avoids the need to turn and look at the problems within Florida and to devise solutions for them. In sum the bill is a cruel and preposterous hoax.

Having dealt with the institutional biases of our State executive and legislative branches, I would like now to turn to the operation of existing programs at the local level. Naturally, among these there are substantial variations in how they perform, depending in part upon the agency concerned and geographic location. Nonetheless, a few generalizations can be made. From reports given to me as well as personal experiences, I can say that State and local agencies are: (1) Not run for the convenience of those they serve the farmworkers, but for the convenience of the staffs; (2) The local offices are dominated by grower interests and use the benefits they confer to require the farmworkers to conform to those interests; (3) There is little, if any, outreach, so that often those most in need of help do not get it. This can happen either because the farmworkers have not been informed of the services offered or the services are dispensed at times or places which the farmworkers cannot reach; (4) The agency staffs often have negative attitudes toward their clients; in many cases these attitudes are basically racist. The attitudes all too often manifest themselves in indifference, impoliteness, harshness, and sometimes cruelty; (5) Agency personnel, instead of earnestly trying to help prove eligibility, do everything possible to prevent the clients from establishing their right to aid.

Innumerable cases can be recounted in support of the foregoing. A few will suffice.

In many counties, welfare and food distribtuion offices are located in places that the poor cannot reach by any means other than private automobile. I have been told that in Polk County the commodity distribution office is located at an out-of-the-way spot, and the cost reaching the place amounts to as much as one-tenth of some welfare clients' checks.

I think you will hear more about Polk County because it is the home of Coca-Cola in Florida, and another witness will be discussing that issue.

When a representative of the Florida Christian Migrant Ministry approached the director of distribution in this county about opening several distribution points, he was told that the county commission had already turned down the suggestion as too expensive. One county commissioner was quoted in the press as saying, "The next thing the poor will want is for us to go to their homes and cook the food for them"—typical of the kind of attitude we have in our local government toward farmworkers and other people, particularly when their skin color is a little different.

When the director was queried about making the hours more convenient to farmworkers, the office was open from 8:30 to 3:30, Monday through Friday, he asked why he and his staff should be inconvenienced for the farmworkers' convenience. To the reply that the reason was that they serve the poor, he said that he had a responsibility to his employees.

This same man added that if the poor really wanted the food, they would get to the distribution center when it was open. Many people applying for food at this center have been turned down three and four times because the county employees make no attempt to help them comply with the regulations.

One requirement is that the farmworker show his last paycheck or a letter from an employer stating his earnings. This is often impossible for people who are paid cash and often work for many employers. Variations of this theme are heard from sources throughout the State. Attempts to get mobile food distribution units for rural areas have generally been rebuffed.

In the same county I spoke of before, Polk County, the welfare office is located at an old airport which is hard to reach. AFDC mothers who must go to see their social workers must either pay to get there or rely on others. As a result, they often come late or miss their appointments altogether.

In Polk County, there hasn't been a migrant health project for 2 years. The local health department was unwilling to keep separate records for migrants and therefore was unable to comply with Federal regulations. As a result, it pulled out of the program.

The health department's convenience, in this case, was clearly more important to the county health officer than the health of farmworkers. No doubt, he would feel very much put upon if he were told his job depended on getting the project back.

Collier County's food stamp program has proof of income rules similar to those previously enumerated. Many farmworkers can't comply with them. In addition, the food stamp personnel will check eligibility by asking employers what they expect the applicant to earn the following month. Because of the pervasive hostility of growers to the program, they will often make high projections, thus leaving the individual and his family ineligible. When a local black and a Chicano leader went to the county commission to protest this practice, they were told they could not do so because they had participated in a peaceful demonstration.

That demonstration was over the failure of the farmworkers to be able to get the benefits you gave in the Disaster Relief Act of 1969. The exercise of elementary political rights is often visited by retaliation in our State.

The director of the American Friends Service Committee migrant project which operates a housing program has informed me that he has had to abandon trying to qualify farmworkers for section 235 housing loans because of the use of such middleclass eligibility requirements as holding a job for 2 years and providing W-2 forms. Farmworker employment practices, of course, make this impossible. The AFSC has now switched to the Farmers Home Administration, but this limits the number of houses that can be built.

Cheating the farmworker out of a steady wage, of course, makes it impossible to comply with the program. The AFSC is working with the Farmers Home Administration but this is unsatisfactory because the programs of that Administration do not allow it to provide enough housing.

Ironically, my experience in the housing field is just the opposite of that of AFSC. In 1968, when I was executive director of Florida Rural Legal Services, our Belle Glade office began work on a housing project for Pahokee, a nearby town. After many months of planning, an application for a large project was filed. It was turned down by Farmers Home Administration with the assertion that the authorizing legislation did not allow them to make this size loan.

It was our opinion, as well as that of the counsel of a consulting firm we were using, that this interpretation was wrong. We were joined in our opinion by Congressman Paul Rogers, who protested, but to no avail. We finally had to abandon Farmers Home and begin again with FHA. I am informed that after two and a half years of effect the first models will shortly be constructed.

We had to backtrack and refile. And I am informed that the first models will be up two and a half years after our labor. This will be a good-sized project for the area, 150 homes, a small drop in the bucket, and it will not reach the lowest of the poor. It will not help the true migrant whose wages and mobility make it impossible for him to be served by this Government program.

Senator MONDALE. Is this housing project in Pahokee?

Mr. SEGOR. Yes.

Senator MONDALE. Isn't that the one that was shown on the documentary?

Mr. SEGOR. No; the one on the documentary is a public housing program.

This is the Housing Act section 235 which is sponsored by a local citizens' group and the Catholic diocese.

That racism prevails cannot be denied. In Lee County, it has been necesary to file suit to integrate the county nursing homes. In that same county, a doctor quit the welfare program after a suit was brought to require him, among other things, to integrate his waiting room.

Innumerable instances have been recounted of hospitals which have received Hill-Burton funds refusing to treat indigents. In Homestead, I have attended meetings where the feeling of hatred expressed by blacks and Chicanos against the local James Archer Smith Hospital was so intense it was almost unbearable.

Their complaints involved both failure to care for the poor and racism. They feel so strongly that they do not want a federally funded migrant health project that will shortly open up to even attempt to get services from the hospital. This, despite the fact that the next closest hospital is 15 miles away by way of a heavily trafficked road.

Other witnesses have discussed the absence of basic legal protections for farmworkers and the reports of this committee have collected valuable data on this point. I will just point out that it is not only lack of laws that create difficulties, but also the importance of enforcement agencies.

For instance, the health department which is charged with inspecting migrant camps in Florida does not have lawyers to file suit against violators. It must rely upon county prosecutors who look upon this type of activity as a nuisance, taking them away from their crime duties. In those places where a prosecutor has a private practice, there may actually be conflicts of interest, with the prosesutor representing some of the grower interests.

Even if the health department had enforcement powers, its regulations are a fraud, being hardly worth the effort to enforce. The same is true of the Federal regulations on migrant housing.

I am informed that in Palm Beach County the health department shies away from environmental health problems as opposed to clinical ones because of the fear of possible political repercussions. This fear of political retaliation is ever present and affects the activities and operations of even the most dedicated program and workers.

It is in the context that I come to my next point, which is that there is an interchange between intransigent institutions and biased people, back again between biased people and intransigent institutions that paralyzes efforts to obtain needed change. We are constantly told the farmworkers are content with their lives, won't work and won't help themselves. Yet, when there is a chance that farmworkers will engage in the processes that lead to change, intense efforts are made to frustrate them.

I have seen a private report, the name of which I cannot reveal, which I believe to be valid, which told of one large farmer providing buses for his workers to attend a picnic on election day. This was to prevent the workers from exercising their franchises.

A black leader in Immokalee told me that the same type of thing occurred on the day a referendum was held on the question of incorporating the town. Naturally, the white farmers and businessmen who owned property did not want to be part of a city in which the majority of the voting population was black and Chicano.

The power of agribusiness to thwart the democratic processes in order to prevent farmworkers from obtaining benefits that other working people take for granted is notorious. In 1969, agribusiness was taken by surprise and a bill eliminating the farmworker workmen's compensation exemption was voted out of committee in both houses of our State legislature. Despite a last-minute lobbying effort, the bill passed the Senate by two votes. Unfortunately, it did not get on the special order calendar in the House and time ran out.

This year, the lobbyists were ready and the few friends of farmworkers in the legislature, could not even get a watered-down version of the bill out of committee.

The tragic effects of grower opposition to this most elementary form of social legislation is set forth in an article that appeared in the July 16, 1970, issue of the Palm Beach Post. The article quotes a vocational counselor for the Florida Council for the Blind as saying that he sees as many cases of blindness among glades agricultural workers as there are in the rest of Palm Beach County, although the agricultural population makes up less than 10 percent of the county population.

He attributes the high incidence of eye disease to the swirling muck dust encountered by the workers. First, it would provide more immediate medical care to the workers who are injured by the dust.

Second, many of our industrial safety practices have resulted from the pressure of insurance companies on business to get it to upgrade standards. We could probably expect the same to happen in agriculture, were workmen's compensation to be universally extended to the workers.

Returning to the local scene, a classic example of community sabotage of a needed Federal project recently occurred in Immokalee. A doctor from the University of Miami's School of Medicine became interested in setting up a major clinic there under the Migrant Health Act. With the support of the U.S. Public Health Service, he began to discuss the proposed project with all segments of the community, not only in Immokalee, but also in the county seat at Naples, about 40 miles away. He touched all the bases, and lined up support from growers, business people, the health department, the county commissioner for the area and, so he thought, the county medical society. All this in addition to the enthusiastic support of the intended consumers.

However, when a public meeting was held to discuss the project, he was shot down by the local doctors by the use of a clever ploy. The doctors told the people that what they needed was not a clinic but a hospital. Naturally, everyone became excited over the idea and the Migrant Health Act clinic was forgotten.

A board was formed under the chairmanship of the one private physician in Immokalee to begin raising money. This physician, along with the local druggist, had been prime opponents of the clinic. The physician had even gone so far as to threaten to quit practice if the clinic came in.

The upshot of this is that little or nothing has been done to further the hospital in the year that has elapsed and the clinic will be located in the more hospitable climate of Dade County.

From public reports and talks with various people familiar with what occurred, I have been able to come to the following conclusions:

(1) Attitudes toward the project were deeply affected by prevailing hostility toward Federal projects. Although interestingly enough, this did not extend to shyness about applying for Hill-Burton funds. It never does.

This generalized anti-Federal hostility made otherwise hardheaded people receptive to a pie-in-the-sky hospital plan despite the fact that the community's small size militated against such a hospital being successful.

It also blinded people to the possibility that the clinic could be used as a base upon which to build plans for a future hospital as has been proposed, and will be done, for the south end of Dade County.

(2) The local physican and druggist were afraid of competition from the clinic and put their own economic well-being ahead of that of the people.

(3) The county medical society was afraid that the clinic would raise the farmworkers' level of expectations concerning medical care to too high a level.

(4) The dominant community feared extensive consumer participation on the governing board of the clinic. Both because such participation, if successful, will do violence to prevailing racial attitudes and because any process that might lead to greater ability upon the part of the non-Anglo population to govern itself is viewed as threatening.

(5) The lack of sophistication and powerlessness of the workers made them incapable of resisting the tactic. Many of them were fooled into supporting it, thinking it was for real.

(6) The inability of the Federal Government to directly serve needy, but politically impotent consumers, without working through hostile local forces, was a prime contributor to the debacle. Once again, the people were mangled.

In contrast to Immokalee, Dade County was able to muster tremendous community support for the project. The medical school, the county medical society, the health planning council, the urban coalition and, somewhat reluctantly and even truculantly, the local health department.

The difference, of course, is that Dade County is overwhelmingly urban and it is therefore possible to circumvent potential opposition from rural elements. This distinction between urban Dade and rural Collier Counties, while fortunate for the farmworkers in Dade, is cause for the deepest melancholy in the remainder of the rural poor.

Nevertheless, the Dade County project does provide a laboratory in which we can observe a project that has on its board a majority of consumers.

Hopefully, the clinic will not only provide first-rate medical service but will also act as a training ground for community leaders.

It is interesting to note that the principal source of discontent with consumer control in Dade County appeared to be the local health department and the regional Federal bureaucracy in Atlanta. Perhaps with experience they will come to also cherish the values attendant upon consumer control.

I started these remarks by asserting that it is the farmworkers and not the protesting agribusinessmen who are the victims of bias. The examples I have recited are merely a few among legions that support that statement.

When the growers come in and lobby for workmen's compensation, unemployment insurance, grower responsibility for social security, more stringent housing codes, better health services, a tenfold increase in housing starts with better terms; when they conduct voter registration drives, finance leadership clinics, provide better wages and financial incentives and really believe that the word "nigger" is bad, they will have established some credibility with the farmworkers and their friends.

In short, when the growers believe in the American dream for the other guy—then their pleas will not have the hollow ring of hypocrisy.

Thank you, Chairman Mondale, and the other distinguished Senators on the committee for giving me this opportunity to express my views.

Senator MONDALE. Thank you, Mr. Segor, for an excellent statement and analysis of Florida problems.

(A report submitted by Mr. Segor follows:)

REPORT TO THE BOARD OF DIRECTORS OF MIGRANT SERVICES FOUNDATION, INC. BY THE EXECUTIVE DIRECTOR, JOSEPH C. SEGOR, ON THE INADEQUACIES OF THE FEDERAL RESPONSE TO THE DISASTER THAT BEFELL THE MIGRANT FARMWORKERS IN FLORIDA DURING MARCH–APRIL, 1970

During March 1970, heavy rains in the farming areas of Florida combined with previous cold weather, to do serious damage to the farming and livestock industries. This report will recount the efforts of the Migrant Services Foundation, Inc. and others to obtain federal aid for migrant workers who were distressed as a result of the disaster. It will concentrate on spotting the reasons why federal aid was withheld. During the course of our futile battle to obtain help, I sent two telegrams to Senator Walter F. Mondale, Chairman of the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, United States Senate, requesting his aid in determining what help, if any, could be obtained from federal agencies under the Disaster Relief Act of 1969 which was then in existence less than six months. The Senator wrote to the various federal departments and agencies having or appearing to have some authority under the Act.

The replies received by the Senator are most instructive, in that they provide the opportunity to gain a good deal of insight into the way in which the federal agencies view their responsibilities. This report is keyed to those responses. As the story unfolds it will be readily apparent that individually and taken together the federal agencies suffered from a form of myopia so pathologic that it resulted in a total paralysis of the system of disaster aid, thereby frustrating the Congressional intent as well as causing untold misery among the intended beneficiaries.

The responses to the Senator's query cannot be misinterpreted, they show that no attempt was made to implement those sections of the Disaster Relief Act of 1969 that were intended by the Congress to provide aid to migrant workers victimized by a disaster. Since the Act can become operative only if triggered by a request to the President from a Governor of a State asking for a declaration of disaster. lack of federal implementation of its provisions can be attributed to the failure of Governor Kirk to make such a request. While it is undeniable that the Governor's inertness prevented formal action under the Act by the responsible federal agencies, it did not preclude them from making an independent investigation of the situation to determine if the facts warranted a State call to the President. It can be said at the outset that a federal finding contrary to that of the State might well have had the political effect of forcing the State to reconsider its position. In view of the total exclusion of migrants from the State's political and social life, the responsibility of the federal government for their welfare is commensurately greater and this responsibility has been at least partially recognized by the passage of several pieces of legislation including Sections 11 and 12 of the Disaster Relief Act of 1969.

This increased federal responsibility would seem to clearly justify a more active role for federal agencies than might otherwise be the case under the cooperative provisions of the Act. Any deference that might normally be accorded to State determinations regarding the existence of a disaster can reasonably be set aside when migrant agricultural workers are the chief potential beneficiaries of the Act's largess. It is not too much to expect that federal agencies view that situation with realism and act with an understanding of the economic and political factors that militate against migrants in their reltionship with State and local governments. I will discuss these in somewhat greater detail further on in this report.

By failing to request a disaster declaration from the President, Governor Kirk was stating inferentially that whatever the nature of the misfortune that befell the effected areas, it was not such magnitude as to justify Presidential intervention. The threshold question is thus, was there a disaster of the requisite magnitude in Florida?

The Disaster Relief Act of 1969 (Public Law 91–79) does not itself define the term "major disaster". Instead, it states that under its terms a major disaster is ". . . a major disaster as determined by the President pursuant to . . . (42 USC 1855–1855g), which disaster occurred after June 30, 1967, and on or before December 31, 1970." 42 USC 1855a defines a "major disaster" as one ". . . which, in the determination of the President is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of State and local governments in alleviating the damage, hardship, or suffering caused thereby . . ." The need must be certified by the Governor of the State in which the catastrophe threatens or occurs and he must give assurance of reasonable expenditures on the part of the State and local governments.

This definition of "major disaster" does not require that a particular level of objectively determinable physical damage has occurred, but rather is geared to a determination of whether Federal aid is needed to supplement State and local resources available for the alleviation of "damage, hardship, or suffering." 42 USC § 1855a(a). This determination is wholly the President's. Although it must be certified to by the Governor, there is no requirement that the Governor's certification must come prior to the Presidential determination. While under normal circumstances a State request for help might be a reasonable prerequisite for a Presidential disaster determination, the presumption should be otherwise where a powerless and often despised minority, such as migrant workers, is concerned. Where such a group will be the principal beneficiary, a Federal initiative is imperative.

The Florida case gives stunning proof of this contention. After rain and cold had dealt a severe blow to Florida agriculture, the newspapers began to be filled with accounts of the extent of the disaster. The Miami Herald of March 28, 1970, reported that, "The nation's salad bowl was awash Friday in a Spring flood officials say may reach disaster proportions.

Farmers watched their vegetable crops drown, cattle waded through water in search of food and canals gushed the runoff into the sea as the paper work was started to get nine South Florida counties designated as disaster areas."

On March 31, the Miami Herald reported that Florida Commissioner of Agriculture Doyle Conner telegraphed Governor Kirk that, "As much as 20 inches or more of rainfall within the past three weeks to a month, preceded by severe cold early in January, have created devasting conditions and immediate need for relief." The next day, Conner was again quoted by the Herald saying that the flooding in Palm Beach County was ". . . the worst I've ever seen." The April 2nd Herald carried an AP dispatch from Tallahassee saying that Governor Kirk had sent a telegram to U.S. Secretary of Agriculture Hardin urging that seven counties be declared disaster areas. Deputy Undersecretary Galbraith's letter to Senator Mondale dated April 10, 1970, indicates that by that date the Governor's request had been implemented to the extent that a reduced price feed grain program for five counties had been authorized.

As early as March 30th, I had become concerned that the farmworkers would be by-passed by both the State and Federal governments when it came time for relief to be handed out. After doing some research and discovering the existence of the Disaster Relief Act of 1969, I contacted Rudy Juarez, the Executive Director of Organized Migrants in Community Action, Inc. We discussed the problem and he requested that I determine whether the farmworkers were going to be included in the State's request for aid. On April 1st, I spoke to Frank Pope, Executive Director of the State Disaster Committee. He said that the Committee was recommending that a number of counties be declared a disaster area, but that I should get specific information from the Governor's office. He recommended that I call James Richardson, Secretary of the Department of Community Affairs. I did so, and was told by Richardson that a disaster package was being prepared, but that aid for migrants had not been discussed. I asked about implementation of the Act of 1969. The Secretary replied that he was not familiar with that law. I then read it to him over the telephone, whereupon he stated that the State agencies in charge of securing information had not informed him of extensive unemployment among farmworkers. The agencies he mentioned were the State Employment Service, the Division of Emergency Government and the Red Cross. I said that I had heard otherwise and suggested that the Secretary recheck his sources while I would inquire of mine.

I then contacted Community Action Migrant Program, Florida Rural Legal Services, the American Friends Service Committee Migrant Project, OMICA and Glades Citizens Association and asked that they check the employment situation. Over the next several days I received back reports from all of these agencies that there was substantial unemployment and almost universal under-employment. I then called Secretary Richardson on April 3rd and was told that the State agencies were not reporting serious unemployment. I was further informed that such unemployment as might exist in the vegetable areas was being taken care of by transporting the workers to the citrus areas where there were jobs. The Secretary also said that the State Farm Labor Employment Offices had plenty of jobs for farmworkers in the vegetable areas. When I subsequently discussed this claim with people in Belle Glade and Immokalee I was told that they had tested the Employment Offices and found the job openings to be non-existent.

The April 3rd claim that workers could be taken care of in citrus is most curious when compared with the Farm Labor Bulletin of April 2nd put out by the Florida State Employment Service. The Bulletin states under the topic "Central Florida Summary" that "Lull in citrus harvest continues." Under

"South Florida Summary" it said that "Heavy rains in most areas resulted in decreased labor demands." Regarding jobs for displaced workers in the citrus areas it stated ". . . arrangements have been made to help these workers find employment when Valencia harvest becomes active in mid-April." Thus, there would be a two-week hiatus before the citrus harvest could take up the slack. No doubt, it was expected that the migrants could draw upon their extensive savings in the meanwhile. Unstated, was the hardship that would be caused hundreds and perhaps thousands of children who would have to be pulled out of school midway in the term. It would seem that at this point the State preferred to see the farmworker families uprooted in preference to allowing them to receive the unemployment benefits authorized by the 1969 Act.

On April 13, 1970, the Miami News editorialized: "A Miami News reporter, who visited migrant camps at the request of the Council of Churches and Christian Migrant Ministry, was told that when floods destroyed 70% of the crops, 70% of the migrants were out of work. And when migrants don't work they don't eat, nor can they pay rent.

Their condition should be the first to receive attention, from the State and from the Federal Departments which dispense emergency funds."

On Thursday, April 9th, migrants demonstrated in Naples, the County Seat of Collier County, protesting the lack of work. A larger demonstration occurred at the County Office Building in Pahokee, Palm Beach County, the following day. Although it was claimed that the demonstration was planned and put on by a Federally-funded agency, the demonstration was, in reality, spontaneous and accurately reflected the feelings of the workers. It resulted in emergency food supplies being shipped into the area from West Palm Beach. During the course of the demonstration, Rudy Juarez of OMICA, met Secretary Richardson and Secretary James Bax of the Department of Health and Rehabilitative Services in the parking lot of the County Office Building. When he asked to talk with them so that he could explain the workers' grievances, he was told by the two officials that they were in a hurry to see the Mayor of Pahokee and that he should quickly say his piece while standing in the middle of the parking lot. Juarez angrily declined this demeaning invitation.

Two migrant representatives travelled to Tallahassee and on April 14th presented Governor Kirk with petitions and affidavits signed by more than 200 farmworkers stating their plight and asking for help. It was reported that the Governor did not appear interested and resented this attempt to petition the government for redress of grievances.

The April 14th edition of the Belle Glade Herald reported that Steve Johnson, an attorney for Florida Rural Legal Services, visited the loading ramps in Belle Glade the week before and talked to growers about job availability. Johnson was quoted as saying, "One of the large growers told me there was plenty of work to be done, but that he had lost 250 acres of celery and was taking four fewer busloads out to work on his crop."

During my investigations I was told that many of the men in a migrant labor camp located in the Delray Beach area were about to go to New Jersey to look for work. This was at a time when the New Jersey crop was not yet ready and there was no work available. Confirming the report that a number of workers headed North early is a story in the May 6, 1970, Palm Beach Post, which says in its first paragraph, "Flooding March rains and a northern asparagus crop may have lured hundreds of migrants to the northeast, leaving winter vegetable farmers in the Glades with a labor shortage, a farm labor spokesman reported." This story quotes Fred Watts, New Jersey Chief of the Bureau of Farm Labor as saying, " . . . Florida Farm Labor Bureau officials had reported to him an over-supply of workers in the Glades several weeks ago caused by the Spring rains.

A couple of weeks ago they really had disastrous unemployment. . . ."

Further evidence of the early departure of some workers from Florida is contained in the April 24, 1970 issue of the New Jersey Farm Labor Bulletin. It states, "An over-supply of seasonal farm manpower now exists in southern New Jersey."

In light of the extensive evidence of unemployment and the distress of many workers, the lethargic responses of the Federal agencies queried by Senator Mondale is tragic. The Office of Emergency Preparedness, which has been assigned the duty of advising the President on declarations of disaster, and the Labor Department, relied on the State-supplied information and pointed out that the President had not declared a disaster. The resemblance of the latter remark to something out of Wonderland, where Alice found everything to be topsy-turvy, is striking in view of the fact that it was the responsibility of these departments to decide whether the President should act.

In its reply, the Department of Agriculture said that it was implementing its end, but that the President would have to act before the Department of Labor could provide unemployment payments. It then went on to explain the Department's food programs without mentioning the liberalizations contained in the Act of 1969 to assure that disaster victims would receive food even though they were not previously qualified for this kind of aid.

The Office of Economic Opportunity responded by citing two emergency food programs that it had funded, one of which it said had $487,000 for the entire country. Only a small amount of money granted to this agency had been allocated to Florida prior to the disaster and one organization that I know of (OMICA) which had been designated a sub-grantee, had distributed its share by January. OEO also mentioned two manpower training programs for migrants and said they had been instructed to accelerate their placements. Placing migrants in non-farm jobs is a slow and tedious task at best. It is hardly the answer to an emergency situation. One of these programs cooperated with me in my survey of conditions and the official of the program with whom I had contact did not remark about any great ability on the part of his agency to alleviate the situation. Finally, the Department of Health, Education, and Welfare, reported that the Florida Department of Public Welfare had assigned additional staff to three of its regions so that the offices could stay open 24 hours a day. This would certainly indicate the existence of an emergency. Due to the nature of the categorical assistance programs funded by HEW, the Welfare Department could be of only limited help. Furthermore, there is a question as to whether the additional availability of welfare services was communicated to the workers. No one mentioned it to me and at the time I was in contact with a large number of active and aware people.

It may now be too late to definitely ascertain whether the State agencies or my informants were correct in their assessments of the effect of the disaster on farmworkers. Although it appears logical that a disaster which caused immense crop damage must also have resulted in severe unemployment. Nevertheless, what is clear is that there was a substantial controversy and a good deal of evidence exists that the State spoke out of both sides of its mouth, reporting on the one hand that there was no unemployment while requesting Federal help for farmers on the other. In such a circumstance, where human misery must be the certain by-product of a wrong decision, the Federal government should have moved to determine the facts for itself. If the facts were as claimed by the farmworkers and their supporters, the President, armed with his own independently gathered information, could have attempted to persuade the Governor to make the necessary certification and give the required assurances. In this case, there being no State provision for Unemployment Insurance for farmworkers and the Disaster Relief Act of 1969 having been specifically designed to remedy that omission, the Governor need only have shown that the State would administer the distribution of the Federal funds. Since Florida already has a well-developed unemployment insurance system, the extra burden of handling farmworker payments could have easily been shouldered at little or no additional cost to the State.

It should be noted that the State officials carefully distinguished between unemployment and under-employment. My informants told me that at the time, under-employment often meant a half day of work twice a week. It also meant that many of the farmers took advantage of the situation and reduced both the hourly and piece-work rates. As a result, the workers received less income than they would have otherwise gotten for the same amount of labor. Combined with the severe reduction in the number of hours worked, this cutback in rates must have had a devasting effect on the income of many farmworkers.

It is spurious to try to distinguish between unemployment and so-called under-employment for purposes of the Disaster Relief Act of 1969. The Bill provides that, "The President is authorized to provide to any individual unemployed as a result of major disaster, such assistance as he deems appropriate while such individual is unemployed." Payments are limited to the maximum allowed by State law and by the State durational requirements. Other public or private income replacement payments received by the individual must be deducted.

The language of the Act is substantially the same as that contained in the original Senate Bill. The Senate Public Works Committee in analyzing its Bill said, "This section would relieve the hardship incurred by certain migratory workers, not covered by State employment laws, who have been deprived of expected labor and earnings by the ravages of a disaster." The Committee emphasized that the aid would be available "only during short-term emergency periods for those who are in dire need of emergency aid."

Nothing in the language of the Act of 1969 nor the legislative history indicates a Congressional intent to require total weekly unemployment as a prerequisite to eligibility for unemployment benefits. Clearly, the Secretary of Labor did not think so when he promulgated his regulation governing Disaster Unemployment Assistance. In 20 C.F.R. 625.8(c)(4) the Secretary provided a deduction from benefits of, "one-half of any wage paid in the week for services performed in excess of 20 hours." This is in line with the policy allowed by Florida. Florida Statute 443.04(b) allows an eligible individual to receive partial benefits in an amount equal to that of his weekly benefits less wages paid in excess of $5.00.

The Florida maximum weekly benefit payable is $40.00. Thus, if a farmworker who was eligible for the full benefit worked part of a week and received $15.00 in wages, he would be entitled under Florida law to a partial benefit of $40.00 less $15.00 plus $5.00. Such a worker would therefore receive a $30.00 supplement. Apparently, no attempt was made to determine the number of workers, who, though earning some wages, would still have been eligible for a benefit under the Act of 1969. Such knowledge would seem crucial to the ultimate determination of the existence of a disaster.

Returning to the question of what is a disaster, it must be stated that the analysis in this report is based on the assumption that substantial unemployment and under-employment of migrant workers created by a catastrophy, is, in and of itself, sufficient basis for the declaration by the President of a major disaster. There is excellent support for this assumption. As previously stated, all that need be determined in order to find the existence of a major disaster is a need to supplement State and local resources available for the alleviation of "damage, hardship or suffering." Obviously, the "damage, hardship or suffering" required must be of some magnitude but past experience in the Florida area makes clear that it is not necessary that a majority of the people in a disaster area suffer from these disabilities. In 1965, Dade County was declared a disaster area after being struck by a hurricane. Although many people suffered some type of injury, only a minority were eligible for aid under the then existing Disaster Relief Act when it was invoked.

The fact that the Secretary of Agriculture authorized feed grain aid for five counties under his authority is evidence that a disaster of major proportions had struck South Florida this Spring. Had the buildings and equipment of 150 farmers been destroyed, who would doubt that the Governor, in addition to seeking help from the Secretary of Agriculture, would have asked for a Presidential declaration so that low-cost loans could be made available to the stricken agribusinessmen? Yet, when the injury was the loss of wages to thousands of migrant workers, we were assured that there was no problem.

Because the Federal agencies accepted the State determination, the threshold was never crossed and the existence of a major disaster was not declared. While guilt in the first instance lies with the State officials, Federal insensitivity to the peculiar needs of farmworkers insured that the required aid would not be forthcoming.

It is clear from our experience in Florida this Spring, as well as from that of other places (see the report of the American Friends Service Committee and the Southern Regional Council on the Federal Response to Hurricane Camille) that it takes more than the objective existence of "damage, hardship or suffering" to bring about an adequate response. It also takes political clout. If one wants to be assured of receiving succor in a time of disaster it pays to be part of someone's political constituency. The act of deciding whether a major disaster exists is not analagous to judicial fact-finding. Rather, it is part of the political game known as "who gets the loot?" A cardinal rule of this game is that the poor, the powerless and the despised must always get the short end of the stick. The implementation of this rule has given rise to some interesting slogans such as, "Burn, Baby, Burn!" and "Revolution now!" Perhaps some day it will dawn on enough people that the slogans will change only when this rule of the game[1] is changed.

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[1] In this report I have concentrated on exploring the causes of the lack of Federal response without proposing means of preventing a similar occurrence in future disasters.

Disaster Relief

NEWSPAPER CLIPPINGS—FARM LABOR BULLETIN

March 28, 1970—May 6, 1970

[From the Miami Herald, Mar. 28, 1970]

9 Florida Counties Seek Disaster Aid

The nation's salad bowl was awash Friday in a spring flood officials say may reach disaster proportions.

Farmers watched their vegetable crops drown, cattle waded through water in search of food and canals gushed the runoff into the sea as the paper work was started to get nine South Florida counties designated as disaster areas.

"We've had contacts from Lee, Charlotte, Collier, Glades, Hendry, Palm Beach, Okeechobee, Martin and Broward counties," said Wyatt Thomas of the Florida Agricultural Stabilization and Conservation Service.

"In some counties—Hendry and parts of Glades—95 per cent of the pastures are covered in water. The other counties run from 65 per cent on up," he said.

Spring is supposed to be the dry season in Florida.

"The State Disaster Committee has met and they are in the process of securing information from these various counties regarding the extent of the damage with the possibility of declaring these areas a disaster," Thomas said.

"Apparently it's going to be quite bad really," he said. "The vegetable crops are damaged extensively. I understand the sugar cane crop for 1970 may be damaged heavily in some spots. There's also some discussion of health problems in the areas where this water is standing."

Cattle—Florida ranks 16th in the nation in beef production—also are endangered.

"I understand some cattle are dying because this thing has been going on for some time in some areas," Thomas said. "It's the non-availability of feed for the cattle that is the serious problem."

The U.S. Corps of Engineers and flood control districts tried to help by pumping water from Lake Okeechobee to the Atlantic. But still the lake level was rising.

Some roads were blocked with water and wet cables put several thousand telephones out of service.

COLLIER

Rainfall that is 20 times normal for March has left Collier County truck farmers with less than a 30 per cent crop prospect on the third crop of the 1969–70 winter season. The two other crops were almost entirely knocked out by past rains and cold weather.

"We're keeping our fingers crossed and hoping to do better than 30 per cent but we're shooting in the dark," admitted Don Lander, county agricultural agent, after a two-day inspection of flooded fields that would normally yield a $50 million annual harvest from 35,000 acres.

LEE

A weekend forecast of mild and cloudy weather gave the Lee County farmers their first break this week, but the crop picture remained bleak.

Record rains of 18.58 inches since March 1—16 inches more than normal—have inflicted "very severe" damage to the county's $26-million agriculture industry, extension agent Robert Curtis said.

The county's disaster committee Thursday requested federal disaster funds for farmers facing their third crop failure of the season. Both previous crops suffered major setbacks from cold and rain. Flower growers were hard-hit earlier this year and now the potato crop is almost demolished, Curtis said.

Absent a major overhaul job on our society, complete alleviation is probably impossible. However, a few avenues of change can be explored. The most obvious is that the President could be given the power to initiate aid without a gubernatorial certification. Short of this, it should be possible for the appropriate Federal agencies to make their own determination. They should be required to do so when requested by minorities that are in a true sense, Federal wards, that is; migrants, blacks in the South, Indians, chicanos, etc. Finally, a set of Disaster Guidelines should be established that would enable not only the relevant authorities, but the victims and the interested public, to determine the existence of a major disaster.

PALM BEACH

Tens of thousands of acres in the Palm Beach County Everglades were still under water, and ranchers and farmers were comparing conditions with the 1947 flood, which covered 5-million acres.

They said further rain, as forecast, would wipe out farms and pastures. The corn crops have been the hardest hit, but celery, lettuce and cabbage also have been endangered.

BROWARD

A spokesman for the Pompano Beach Farmers State Market said about 55 per cent of Broward County's $10-million vegetable crop has been lost.

"About the only thing that can happen to us now is either a tidal wave or an earthquake," he said. "We've had everything else."

County Agent Lewis Watson said, "We've had a number of setbacks, but to the best of my knowledge, they wouldn't qualify Broward County to be declared a disaster area."

MARTIN

In central Martin County west of Stuart, the seven floodgates at the St. Lucie Lock were discharging 10,450 cubic feet of water per second from rain-swollen Lake Okeechobee.

Road crews were patching washouts while the rest of the county employees were having an Easter holiday. Water was receding from carports, house yards and road intersections.

[From the Miami Herald, Mar. 31, 1970]

DAMAGE TO CROPS CRITICAL, AID ASKED

PAHOKEE, FLA.—Spring rains have done "extensive and critical" damage to crops and livestock in South Florida, Agriculture Commissioner Doyle Conner said Monday.

Conner used an airplane and cars to cover much of the rain-stricken area and then wired Gov. Claude Kirk asking him to help farmers and ranchers.

"As much as 20 inches or more of rainfall within the past three weeks to a month, preceded by severe cold earlier in January, have created devastating conditions and immediate need for relief," Conner told Kirk in a telegram.

The areas effected are Martin, Palm Beach, Collier, Lee, Charlotte, Glades and Hendry Counties.

Conner said that not only would crops that fill the nation's salad bowls in winter be cut short, but those that survive will be lower in quality. He said some cattle have almost no grazing room left because of standing water and added that he will study the livestock problem more later this week.

Conner told Kirk that he will receive requests for disaster relief from the State Agricultural Stabilization and Conservation Service Disaster Committee shortly.

Also, the director of the Air and Water Pollution Control Board Monday recommended a review of the flood control district system in view of the flooding problem.

In a letter to Gov. Claude Kirk and all Cabinet officers, Director Nat Reed recommended that Natural Resources Director Randolph Hodges make a study of the system. He said he wants to know what the flood control districts are doing to protect "property, croplands, the deer herd and the delicate ecological balance of the Everglades."

[From the Miami Herald, Apr. 1, 1970]

CROP DAMAGE RELIEF—FARMERS AWAIT WORD ON LOANS

(By Dennis D'Antonio)

WEST PALM BEACH.—With crop damage in the Glades estimated at nearly $5 million, farmers are awaiting word today on whether Palm Beach County will be declared a flood disaster area.

The designation will make small farmers eligible for low interest loans to buy seed and fertilizer for new crops.

County Agricultural Agent Robert Pryor estimated $4.8 million in damages to the $30 million crop Tuesday. He said 150 to 200 area farmers may need emergency loans to recoup their losses in destroyed corn, beans and leaf vegetables.

Under consideration for disaster status, besides Palm Beach, are Martin, Collier, Lee, Charlotte and Hendry counties.

State Agriculture Commissioner Doyle Conner said he expected word today from the state disaster committee, which met Tuesday, after being asked to place the counties on disaster status.

Conner toured flooded farm lands in Palm Beach Monday and described the scene "as the worst I've ever seen."

"You could have gone water skiing on many of the farms," he said.

A spokesman for one of the largest farms in the county used the words "serious" and "extensive" Tuesday to describe damages to the spread's 3,000 acres of corn and leaf vegetables.

"We've been hurt real bad," said Tom Carpenter of South Bay Growers Inc. of Belle Glade.

[From the Farm Labor Bulletin, Florida State Employment Service, Apr. 2, 1970]

SOUTH FLORIDA SUMMARY

Heavy rains in most of area resulted in decreased labor demands. Crops in Dade County escaped damage, but crop loss was extensive in most of the area. It will be several more days before damage can be fully assessed. Jobs are available for displaced workers in the citrus area, and arrangements have been made to help these workers find employment when valencia harvest becomes active in mid-April.

Belle Glade

All sugar mills closed for season. Most crops suffered damage from flooding. The extent of damage is not yet known.

Delray Beach-Pompano

Harvest activities in beans and corn slowed by rains. Some crop damage occurred due to excessive rainfall. Weather conditions have resulted in underemployment of some crews.

Immokalee-Fort Myers

Underemployment due to rainy period. Crop yields have been greatly reduced in quantity, and quality is also below normal.

Princeton-Homestead

Weather conditions favorable for crops. Light to moderate rains have kept crops in good condition. Harvest is active in beans, tomatoes, squash, potatoes and corn. Labor supply and demand are in good balance.

CENTRAL FLORIDA SUMMARY

Lull in citrus harvest continues. Volume is expected to increase rapidly during the last two weeks in April. Some concentrate plants plan to open this week.

Fort Pierce

Citrus condition good. This area also experienced vegetable loss due to heavy rains, resulting in underemployment of vegetable workers.

Orlando (includes Leesburg, Sanford, and Cocoa)

Seasonal lull prior to valencia harvest. Grapefruit harvest continues at normal volume, as well as cabbage, celery and miscellaneous vegetables.

Tampa

Valencia maturity lagging. Volume movement of valencias is not expected before the first week in May. Several crews are unemployed but refuse to relocate. Individual crew fill-ins are needed. Tomatoes and celery are moving well.

Dundee

Citrus lull continues. Some underemployment still exists, but a rapid buildup in employment is expected during the last two weeks in April. Citrus bloom is almost finished, and prospects appear good for the 1970–71 season.

NORTH FLORIDA SUMMARY

Orange Heights.—Harvest of cabbage, leaf vegetables and strawberries continuing. Preharvest is active in potatoes, melons, vegetables and field crops. Heavy rains during the weekend interfered with the use of workers.

Pensacola.—Land preparation and planting resumed. Rain had previously hampered preharvest activities.

Tallahassee.—Nurseries reaching peak employment. Nursery employment will soon begin to decline, and it is expected that these workers will be placed in peaches, tobacco or other crops.

Perry.—Workers needed in Madison area to thin peaches. Peach crop is in excellent condition. Tobacco setting continues with smoe replanting necessary because of unusually heavy rains.

[From the Miami Herald, Apr. 2, 1970]

DECLARE DISASTER IN SEVEN COUNTIES, KIRK ASKS U.S.

TALLAHASSEE.—Gov. Claude Kirk recommended Wednesday that seven Florida counties be declared disaster areas because of recent heavy flooding.

Kirk sent U.S. Agriculture Secretary Clifford Hardin a telegram urging that the counties be declared disaster areas, meaning they would be eligible for federal funds.

"The disaster is the result of a series of events beginning with a freeze in December, 1969. The freeze killed pasture forage. A total of 24 plus inches of rain has fallen since December which has kept pastures under water," Kirk said.

Kirk said it is estimated that 90 per cent of the pasture land in Hendry County is covered by water and 65 per cent is flooded in the other counties.

Counties included in Kirk's recommendation were Hendry, Lee, Palm Beach, Okeechobee, Charlotte, Collier and Glades.

Some cattle have starved to death in the flooded area because they could not find food.

The governor said State Health Secretary Dr. James Bax and Community Affairs Secretary James Richardson will give all possible assistance through their agencies to residents of the stricken area.

Thousands of deer face death because of flooding in the Everglades converva-tion area in several of the counties.

Nine counties have been hard hit by the flood but Broward and Martin were not included in Kirk's request for designation as disaster areas.

[From the Palm Beach Post, Apr. 3, 1970]

MIGRANT'S LEGAL AIDES CHARGE STATE FAILS THE JOBLESS

(By Mike Abrams)

BELLE GLADE.—State agencies are not aiding agricultural workers out of work as a result of heavy rainfall and crop failure, Migrant Legal Service personnel in South Florida claimed yesterday.

It is estimated up to 70 per cent of Glades agricultural workers are not able to earn money after the spring floods, and Gov. Claude Kirk has requested seven counties be named disaster areas.

Florida Rural Legal Services investigator Elijah Boone in Belle Glade said migrant officers were coordinating a fact-finding commission to convince the state to request special aid to indigent farm workers.

Migrant Services Foundation Executive Director Joe Segor, in Miami, urged Gov. Kirk to go directly to President Nixon in requests for disaster aid under the Disaster Relief Act.

Kirk had requested the relief from Secretary of Agriculture Clifford Hardin.

A spokesman for the State Department of Commerce said his office would attempt to transport migrants to pick other crops in northern Florida and Georgia, but has not started the plan.

Segor reported "sympathy" from the state's secretary of community affairs, James Richardson, on the migrant problem. Richardson is the main advisor to Gov. Kirk on the disaster situation, but he has not received reports of unemployment in the Glades, Segor said.

"And that's what we're up against," he said.

Legal Service Investigator Boone, a former migrant crew leader, said "about four or five" buses out of a usual 30 or 40 are at the Belle Glade loading ramps each morning to take workers to the fields.

"We took a light survey and anywhere from 50 to 70 per cent of farm workers are unemployed as the result of high water," he said.

"These people are not out on the street corners," he said. "They're shy, dejected, and many of them are illiterate. They're in their homes getting hungry."

Boone said the agricultural workers required emergency money which has not been provided by state agencies. In the past, indigents have been referred to legal service offices for emergency aid by state and county agencies but the service doesn't have funds to help them.

Florida Rural Legal Services Belle Glade office manager Tom Carey said migrants may not be able to travel north to pick citrus, as state government officials have suggested.

"These people specialize in the crops they pick," he said. "You can't pick oranges in Orlando right now because they'd just go off the market. And who is going to pay for the cost of them going?"

Officials of the Glades Citizens Association reported they will contact Rep. Paul Rogers (D-Fla.) about the unemployment problem.

Rogers is scheduled to make a tour of the disaster area this morning.

[From the Miami News, Apr. 10, 1970]

HUNGER, LACK OF JOBS STALK FLORIDA'S MIGRANT PICKERS

(By Verne O. Williams)

BELLE GLADE.—Migrant pickers thrown out of work by crop-killing floods that covered the rich mucklands around Lake Okeechobee in recent weeks complain bitterly that more attention is paid to the plight of Everglades deer than to starving people.

Walk through the migrant quarters of lakeside farming towns like South Bay, Pahokee of Belle Glade and the complaint is the same.

"They get real concerned about deer, but who worries about us?" asked one man in overalls standing by a fleet of idle farm-labor buses.

Gov. Claude Kirk has asked federal officials to declare seven counties in the lake farming belt a "crop disaster area"—thus making farmers eligible for government loans. But this will do nothing for the farm workers, their spokesmen say.

"According to an official survey, 70 per cent of the crops were destroyed by flood," says Edward Parker, Florida Council of Churches representative. "This means that 70 per cent of the people who work in this area have no jobs and no food."

Parker estimated that 70,000 people—migrant and local farm workers and their families—are involved.

"Some of these people are in a state of starvation already," he said.

The Florida Christian Migrant Ministry met yesterday and issued a resolution calling on Gov. Kirk and President Nixon to declare a "disaster area" for people in the Glades farming area.

At a joint meeting attended by migrant group spokesmen, the FCMM also decided to send representatives to Tallahassee next week to see Kirk.

The mood of some of the migrants at the meeting was militant. They talked of marching on Tallahassee.

"Our people are marching now in Naples because we are tired of living this way," said Ernest Figueroa, member of the "Brown Beret" migrant group.

A tour of the lake area showed that most of the workers were in the fields harvesting celery when heavy rains struck in early March. As the water drained off mildew and rot attacked the crop.

More rain came two weeks later and all but finished the celery along with other leaf crops like endive, escarole and lettuce.

"If I was working in the celery until it got the black spot," said Mrs. Ruby Morrison, of Clewiston. "Now there's no work until the tomatoes. And nobody knows if we gonna work then."

Those who are working say they are making less money because they have to go slow and clean the mildew-spotted leaves from the crop.

"You got to clean all the 'feather' leaves off the celery," said Mrs. Nellie Byrd, in Belle Glade. "I'm still working but I don't know how long."

Mrs. Byrd came "a thousand miles" from Hayti, Mo. last September to work in the Belle Glade fields. She pays $23 a week rent for three rooms for her family on Joe Louis Avenue here. These quarters are in a "row house," a multi-family building like a barracks with a tin roof. The only water is outside at a spigot.

The migrants pointed out double padlocks on some doors. These mean the occupant is behind in the rent and the "rent man" has added his padlock to the hasp to keep the tenant out.

Some of the pickers said they would leave the end of this month for Georgia and the tomato crop there. They are the lucky ones who have saved enough money to get by.

[From the Miami News, Apr. 13, 1970]

DISASTER FOR MIGRANTS, TOO

The Florida Council of Churches makes a good point when it reminds us that everyone is worrying about the deer and the farmers in the high water crisis, but very little concern is evidenced over the jobless migrant workers.

Steps must be taken to protect the dwindling deer herds, of course, and the farmers may well need the loans which the federal government provides for such lost-crop emergencies.

But as usual, the migrant workers are the last to receive attention.

A Miami News reporter, who visited the migrant camps, at the request of the Council of Churches and Christian Migrant Ministry, was told that when floods destroyed 70 per cent of the crops, 70 per cent of the migrants were out of work. And when migrants don't work they don't eat, nor can they pay rent.

Their condition should be the first to receive attention, from the state and from the federal departments which dispense emergency funds.

[From the Miami Herald, Apr. 10, 1970]

COLLIER COURTHOUSE PICKETED—MIGRANTS ASK MORE AID

(By Tom Morgan)

EAST NAPLES.—Eighty-seven Mexican-American migrant workers and their children picketed the Collier County Courthouse here Thursday to protest what they said is a lack of federal aid to unemployed after disastrous rains. Their claims were disputed by county and state officials.

The group was led by Ramon Rodriguez, who said he is a sophomore federal aid student at the University of South Florida but who refused to identify the program because that's a personal thing, do we have to get into it?"

The migrants carried signs when they disembarked from 11 cars and trucks saying "Rescue farm workers first, deer second," and "Don't forget us, it's a disaster for us also." Six of the vehicles carried Collier County tags and the rest were from Palm Beach, Hendry and Lee Counties.

Many of those protesting were the brown berets and brown shirts of Los Chicanos, an activist Mexican-American group for whom Rodriquez was the spokesman. They distributed leaflets with cards carrying a John F. Kennedy statement: "If we make peaceful revolution impossible, we make violent revolution inevitable."

"We are protesting the situation in Immokalee and the five counties of the disaster area," Rodriquez roared over a powerful bullhorn. "The farmers are getting $3 million and the deers $3,000 while there is nothing done for the worker, who are contributing to the economy.

"The food stamps are doing nothing. If there is no money for us we might just take over this government center. Now everybody turn and let the police take your pictures and then they will know you and can arrest you on trumped-up charges."

After repeated claims by Rodriquez that the food stamps "are becoming more and more exorbitant, they used to be $100 worth for $30 and now they're nearer one for one," Gerald Evans, district administrator of that program came forward.

Evans said that in March alone this county has $70,987 in stamps issued for which migrants paid $20,666, "so that's $50,321 without cost to them that somebody else paid for or $39 for each of the 1,806 people that cost them $11 each."

[From the Belle Glade, Apr. 14, 1970]

COMMISSIONERS HEAR REPORT ON "HUNGER TOUR"

At Monday night's regularly scheduled city commission meeting, Mayor Dr. John Grady presented a report concerning last week's demonstration by migrant laborers claiming hunger and lack of jobs, and the tour of the area at the same time by two Catholic priests from the Miami Arch Diocese.

Grady stated that he and a group composed of growers, state employment agency representatives, welfare department workers, and some other employers in this area met to discuss the situation recently.

"Out-of-town parties have come here and made a tour of our area," Grady stated, "thinking that there were no jobs available for farm labor here and that families were starving.

"The source of this tour," Grady charged, "originated with the people in the Florida Rural Legal Services (FRLS) office."

Grady continued, "It appears that this was an organized attempt to cause problems in the Glades. People with good intentions and the priests were used in the attempt."

He reported that employers' payrolls in the area have remained steady and that there are job openings for tractor drivers, sod cutters, and others.

"Some instances of poverty and unemployment do exist here," Grady admitted, "but there has not been a great increase. And, until the day of the demonstration itself, the welfare office reported no great increase in people applying for help there. These people supposedly interested in helping the farm labor never went to the trouble to find out ahead of time about jobs and hunger here."

Grady stated that a man named Segor who used to be with the Migrant Legal Services office in Belle Glade instigated the whole situation, and Grady further stated that members of the local Florida Rural Legal Services Staff went on the tour with the Catholic priests.

In concluding his report, Grady stated "There is free food given away in this community every Wednesday, and welfare provides emergency help for families in need. The people in city government here are not going to tolerate this outside stuff."

THE OTHER SIDE

Tuesday morning the Herald questioned Florida Rural Legal Services Attorney Steve Johnson concerning the allegations made by Mayor Grady.

"First of all," Johnson stated, "the tour was not organized by persons employed in this office. The tour was conducted by the Organization of Migrants within the Community Action program. Father McMahon one of the priests on the tour from Miami, was in and out of this office on the day the incident occurred. He was using our telephone, attempting to contact Dr. Grady, the employment service officials, and other community leaders to ask them to go on the tour with him, so that he would get a complete picture of the situation with all views represented. None of the people he contacted was willing to go on the tour with him.

"The Mr. Segor Dr. Grady holds responsible for the tour has not been with the FRLS for some time. He is employed by a non-government, privately funded and operated organization called the Migrant Services Foundation. He is in no way affiliated with the FRLS."

Johnson stated that he and the FRLS Acting Director both attended the meeting held at the county road department, where Father McMahon read a letter from an employment bureau official stating that jobs were available in this area and in the citrus producing areas of the state.

"As an attorney," Johnson explained, "I must take the position my client chooses. If a client tells me his family is hungry and he can't find work, then I must represent him to the best of my ability. This includes advising him to seek help from social and welfare agencies. There seems to be a discrepancy between the idea that jobs are available and the fact that there are men unable to find jobs."

Johnson stated that last week he visited the loading ramps to talk to growers about job availability. "One of the large growers told me there was plenty of work to be done, but that he has lost 250 acres of celery and was taking four fewer busloads of labor out to work on his crop."

[From the Belle Glade, Apr. 14, 1970]

Migrant Leaders Given Letter on Labor Cond.

About 50 migrant farm workers were among those demonstrating at the Welfare offices in the Glades Office Building, Friday, following a meeting at the county barn. Leader of the group was Father John McMahon of the Arch Diocese of Miami in the office to coordinate church work in the rural community.

Father McMahon said that a proposed tour of the area was changed to a meeting to accommodate Bryan M. Page, area farm labor supervisor. Repeated changes in the meeting time however, found Page unable to attend and a letter-statement on the labor status "at the present time" was delivered to Father McMahon and read to his group.

The tour was originally planned to investigate the rumor of job shortages due to unseasonable rains and reportedly ruined crops, said Father McMahon. "When the tour was changed to a meeting we thought the migrants should hear Pages' position also." said Father McMahon.

Belle Glade Mayor Dr. John L. Grady, was invited to attend the proposed tour. "At the planned departure time," said Father McMahon, "there was no representative from the city present."

Page's letter stated that "Our Agency Is Strictly a Service Agency," (his capitalization), The letter pointed out that there was some under-employment, or workers working on a 3- to 4-day basis, but that the Belle Glade Office "has been unable to fill all the demands for thinning corn."

Father McMahon was invited to send any workers in need of a job to one of the local Farm Labor Offices in South Florida, located in Belle Glade, Delray, Immokalee and Princeton.

"We will be glad to refer them to a local job or to a job in citrus . . . who need labor badly."

"For your further information, The Belle Glade Office has job openings for next Monday in celery and sugarcane."

Page again stressed that the Farm Labor Offices were "a service agency, serving both the workers and the growers. Furthermore, it is our agency's position that no emergency exists when work is available locally or in the citrus area."

Accompanying Father McMahon were Father Jerry Singleton, who is attached to the Rural Life Bureau; August Vanden Bosche, director of Florida Christian Migrant Ministry, offices in Miami; and Rudolpho Juarez, representing the Rural Organization Coalition (ROC) for farm workers and "poor people in general," and executive director of Organization of Migrants in Community Action (OMICA).

[From the Miami News, Apr. 15, 1970]

Migrants Ask Kirk for Help

(By Georgia Martinez)

Belle Glade.—Petitions and affidavits signed by more than 200 farm workers from four counties were sent to Gov. Claude Kirk Tuesday urging him to invoke the 1969 Disaster Act.

Enclosed in a thick brown folder and submitted by the Rural Organization Coalition, the petitions, affidavits and reports signed by farm workers and leaders of farm organizations in Palm Beach, Hendry, Collier and Okeechobee counties state that because of the present conditions brought on by freezes and heavy rains there is large unemployment and hunger among the workers.

"Hunger in a bread basket region is a wrong which is present in the glades," Rodolfo S. Juarez, executive director of OMICA, wrote in a cover letter to the governor.

"It is somewhat unbelievable that those who are employed in feeding the nation are themselves starving. Only you can aid these poor people.

"We urge you to ask President Nixon to invoke the Disaster Act of 1969 for this region, which will allow the unemployed farm workers to obtain food for their bellies and will help them in obtaining shelter."

Juarez says ROC plans to ask everyone to try to get help and that the organization would like Kirk to come and talk to the people himself.

Juarez said Dr. James Bax, Secretary of Health and Rehabilitative Services, and James Richardson, Secretary of Community Affairs, visited the area briefly Tuesday.

Juarez said he invited Dr. Bax and Richardson to read the report ROC has compiled, but they refused and would not talk with him or other workers in the area.

[From the Palm Beach Post, May 6, 1970]

Farmers Face Lack of Help

Belle Glade.—Flooding March rains and a northern asparagus crop may have lured hundreds of migrants to the Northeast, leaving winter vegetables farmers in the Glades with a labor shortage, a farm labor spokesman reported.

Although a mass migration has not taken place, Glades area farmers face labor problems with corn, tomato, and watermelon crops, according to Florida Farm Labor Bureau Statistician Walter Kates.

At the same time, a spokesman for the New Jersey, Delaware and Maryland areas said farmers were having no trouble getting workers.

"Some of these migrants came up early," said Fred Watts, New Jersey chief of the Bureau of Farm Labor in Trenton, N.J.

"We had to give a lot of them odd jobs because our asparagus crop was about 10 days late," he said. "If they had any earlier, we would have had some real problems up here."

Watts said most of the workers in the Northeast who recently migrated were Puerto Ricans and Mexican-Americans. He said about 170 bus loads had come into New Jersey since the beginning of that state's growing season.

He said Florida Farm Labor Bureau officials had reported to him an oversupply of workers in the Glades several weeks ago caused by the spring rains.

"A couple weeks ago they really had disastrous unemployment," he said.

Florida statistician Kates said orders for corn pullers needed by May 13 have been placed by Glades area farmers. The piece rate pay for corn pulling is about 13 or 14 cents a crate, he added.

The tomatoes and watermelons are located in the Immokalee area, according to Kates.

Senator Mondale. Mr. Juarez, I understand you do not have a prepared statement.

Mr. Juarez. No, I don't.

STATEMENT OF RUDOLFO JUAREZ, MIGRANT FARMWORKER, FLORIDA

Mr. Juarez. In stating that the documentary failed to show, it failed to show, for example, the flooding, the constant flooding of people in the fields. And, as we saw, many of our people, because of the January freeze and because of the flooding in March, have been able to work only for a period of an hour, an hour and a half, two or three days a week. It failed to show a gathering of people of approximately 200, gathering in a county barn while they were filming 3 miles away.

It failed to show that these people were there seeking assistance in commodity foods, where they had been refused such food three or four days before because of the result of flooding.

It fails to show how the State officials and county officials continue to ignore the pleas of farmworkers in the State of Florida. It failed to show also the discrimination that we encounter daily. It failed to show some of our people, for example, such I will give you an example of what happens in the fields.

A 14-year-old boy poisoned by pesticides, a woman who was scalped by a machine while working, a child losing her toes while working along with her parents, and the constant exploitation by crew leaders and contractors in the process of payroll of the families in the fields.

It failed to show how they are exploited by various businessmen, local stores, insurance companies. It failed to show many things that happen daily that we experience day-by-day in such counties and States where we harvest the fields.

To give you an example of what Mr. Joseph Segor said about the James Archer Smith Hospital, there have been children with broken arms brought from the playgrounds of the school, who arrived there sometimes at 10 o'clock in the morning, seeking medical attention for a broken arm, with a crying mother, worried mother, and being refused and referred to the children's hospital in Miami, and from there being referred to a private physician, and from there being referred to the Jackson Memorial Hospital, which is 30 miles away from the area of Homestead, and there not being taken care of until 9 o'clock or 10 o'clock at night by a doctor at the Jackson Memorial Hospital. The child suffers all day with the pain in his arm.

In 2 weeks' time we experienced three accidents of this sort, three children with broken arms, who were unable to obtain medical attention in any hospital close to the Homestead area, where they ended up with the Jackson Memorial Hospital, where it is so overloaded with people.

It failed to show how many children, for example, not being able to obtain such medical services, especially in the South Dade labor camp. In the South Dade labor camp, the county health department operates a small clinic. Of our children who have died of pneumonia—many of our children lie on the dirty mattresses that are provided, that have been there, I believe, since the camp was first built. Our children lie there covered with sores. You cannot even see their sores because they are covered with flies. Some of these sores have been produced as a result of so many erosions.

I have such scars on my own arms from the times I have had to sleep with some of these people in their homes, sometimes not having enough money to rent my own room, because I live about 150 miles from where I do most of my work. In some of these homes you cannot even walk without stepping on roaches, scorpions.

It failed to show also the process in which the farmworkers are exploited constantly day-by-day through the process of payroll. They are paid, for example, by tickets when they are doing piecework in the tomato fields. By refusal to give them a ticket, the person giving the ticket which is hired by the contractor and crew leader can merely say that he did not pick the right tomatoes that should have been picked. And thus it gives him authority to refuse the ticket, which sometimes bears the price of $30 or 15 cents or down to 12 cents.

This past season in the beginning of the crop, the price for the tomato bucket was 30 cents. Immediately after the freeze it went down to 12 cents a bucket, because there were hundreds of people overflowing the fields. Some of them just merely standing there watching others work or waiting for the possibility of the farmer producing more buckets so that they could also try to make a dollar or two, which is what the others were making, because there was not enough work for them.

This year most of the farmers enjoyed themselves because they were able to run people home, to send them home, or keep them standing there. They were able to fire on the spot any people that they felt were not capable of doing the job and hire some of those who were standing on the line trying to find a job.

Mr. Joseph Segor mentioned some of this that we suffered on the floods.

OMICA is a member of RCC, which is a rural coalition organization composed of various organizations and groups that have been formed in the State of Florida in an effort to unify and become stronger to deal with those who continuously exploit us and discriminate against us.

When we heard that there was a survey made by Richardson, the Secretary for Community Affairs, and that he had not mentioned one farmworker, although he had mentioned that 70 percent of the crops had been destroyed in seven counties, he also mentioned that many of the deer were dying, but not one word was mentioned about the farmworkers who mainly depend on these crops.

We made a survey and found that the farmers were actually evicting some of the families since they no longer had any jobs for them. We found that many of the families had nothing to eat, no food on their tables. We found that many of them were worried as to where they would go, because they had no money to pay rent, the excessive rent that is charged by the farmers.

The same people went to the county welfare department to seek commodity assistance. These families were refused by merely stating that they had not lived a year there, that they were not informed that it was no longer so.

So, as a result of the people contacted, various groups, who are also members of ROC, contacted OMICA, for example. OMICA got active in contacting some organizations. And thus we were able to develop some facts as to the amount of unemployment that existed.

When these people came to the county barn, the farmers' county barn, in Belle Glade, we found that Richardson as well as Bax and a guy from the state unemployment office were there. We confronted them.

The people pleaded and told them to include them, to try to get some assistance for them. As a result, they went inside, the people went inside because this man who was there completely ignored them. They refused even to sit with local agencies and with local groups, such as OMICA, to discuss the amount of unemployment because of the floods and to discuss the problems that had been created because of this.

But this was to no avail, because they refused to speak. We found out afterwards that they had flown to Naples, where we again contacted another chapter of OMICA to try to again speak to the people so that we might be heard, so that they might listen to the pleas of the farm workers, so that they might also be informed, just as well as the farmer, if the farmer lost his crop, then how is the farmworker going to earn his money for the rent, for his food, for his clothing or for his trip that he was preparing for up North.

As a result of that flood and that freeze and the loss of these crops, many of the migrants have stayed in Florida because they have no money to travel. Many of the migrants lost their cars, their pickups, their means of travel. And many of them lost their homes in Texas.

Right now, yesterday, while the hearings were going on, the same migrants have returned, because not many jobs are available or have stayed on because of no money to travel. Their water is being cut off because they are not needed by the farmer now.

Very few of them are hired. Those who are already hired are those who have worked for the farmers year-after-year, which are the seasonal farmworkers, or those who drive tractors or thin some of the crops. But the migrants who have stayed cannot find jobs. And even those who try to get out of agriculture and try to go through the employment office to apply for a construction job or a job outside of agriculture, their applications are never reviewed. They never hear from the employment office unless a farmer happens to be in need of somebody to clear a ditch or work in the fields.

My assistant director, Joe Alexander, suffered some brutal beatings about 3 weeks ago. This I say because on the documentary they showed where people were run out of the camp at the point of a gun. We are run out not at the point of a gun but with actual bullets in many places.

Senator Mondale. In the documentary there were a few examples shown of where the newsman with a camera was told to get off the property, not to ask questions of the migrants. But it is your testimony that when community organizers go on the property, they are often beaten up; and even shot.

Mr. Juarez. They are beaten up in the camp or followed out on the lonely roads. They are followed and beaten up on a lonely road. They are threatened, or their cars are shot up with bullets along those highways.

Senator Mondale. You say that has happened recently?

Mr. Juarez. This happens various times.

Senator Mondale. Did you say that your assistant was beaten up 3 weeks ago?

Mr. Juarez. Yes, sir.

Senator Mondale. What happened to him?

Mr. Juarez. We have various members who have migrated from the County of Dade into the Ruskin-Palmetto-Bradenton, area and Sarasota, which is not far from Tampa. Members of OMICA who were wearing their OMICA buttons would be fired from their jobs, or members of OMICA who were merely complaining of the housing conditions.

When my assistant director went to see these people, he spent, I believe, about a month there or a month and a half. He was found out. He was threatened. He continued to see these people and informed them and continued to send us information in the office that we have at Homestead.

Then one day he was followed. He was beaten up. And, as a result, he suffered injuries, not permanent injuries. But his face was pretty well beaten up.

This is done sometimes to our own people, because money is what talks in this Nation and because some of our people—there are various tools and means and ways that are used. They can be forced to do things because they might be in debt with a farmer or contractor, if the farmer promised to forget about a bill or about a debt, or if he offers a good amount of money. Some of our own people sometimes do this.

Senator MONDALE. In other words, occasionally they will even hire Chicanos to beat up community organizers.

Mr. JUAREZ. Especially Chicanos, who might very well be along the middle class already, or Chicanos who have been so brainwashed and since they have never experienced what the migrant farmworker has experienced, migrating throughout the States, he too does not understand the things that we are trying to show him or the things that we express.

There are other times also when the farmworkers, for example, will protest in the fields. I know of one incident where three farmworkers were kept in a watermelon field all night. There was about 15 cars of Anglos, Gringos, who parked at the edge of this field. If it had not been that one of them had a rifle—he was supposedly guarding the watermelon fields—if it had not been that this man shot two shots in the air, probably all the Gringos would have gone into the field and done away with those three men who were there merely trying to do a job.

There are all kinds of things that we experience that you would have to live them. I have lived them all my life. I sometimes feel ashamed to claim that I used to be a crew leader. But in a way I am glad, because I was able to experience in many ways, for example, that the crew leaders and the contractors cheat our people.

As I look at it now, they cheat them just by the system. Because a farmworker is not able to work or establish close relations with the farmer, therefore he loses opportunities, for example, to get a better job or a better position. Usually those who do get better positions are the sons or the daughters of the crew leaders, themselves.

Many of the farmers sometimes claim that there are payrolls made as high as a hundred dollars a week or $150 a week, collected by farmworkers. But they fail to state the amount of people working on that same payroll, because our traditions have been that the parent is the one that collects the whole payroll.

Senator MONDALE. How old were you when you first started work as a migrant?

Mr. JUAREZ. About 5 years old.

Senator MONDALE. How many were in your family at that time?

Mr. JUAREZ. Twelve.

Senator MONDALE. Did you all work in the fields?

Mr. JUAREZ. Those who were—I was the youngest when we did start.

Senator MONDALE. The whole family would go into the fields?

Mr. JUAREZ. Yes.

Senator MONDALE. The pay would then go to your father?

Mr. JUAREZ. Yes, that is the tradition. It is the tradition of the Mexican-Americans, the Chicanos. The parent collects the payroll. If there are any deductions, it is deducted from that one payroll.

Senator MONDALE. So that many times when we hear these statements, as we did on the documentary, of how much money is made, very often that is a whole family involved.

Mr. JUAREZ. Right.

Senator MONDALE. It may be several children, including the wife.

Mr. JUAREZ. Right.

Senator MONDALE. When you break it down to how much that leaves per capita after deductions——

Mr. JUAREZ. If you break it down, it will amount to about $7 or $8 at the most, or $9 a day, if it was a good day's work.

I know when I took my family to pick cherries in Traverse City, Mr. Chairman, I would draw $90 to $100 a week. But this was with my wife and I and seven children that worked. This was the case with so many other families that worked in the fields.

This past season when I went among the migrants who migrated, for example, to North Port, Mr. Chairman, the crew leader and the boss, the farmer, were talking about being investigated by the Social Security Department or being investigated because they were not deducting social security.

In an effort to keep from deducting social security, the farmer asked the crew leader to apply for social security numbers or to name each members of the family separately, so that the amount of payroll drawn by the parent could never exceed the amount where they would be able to deduct social security. Thus, if a parent had three or four sons or daughters, they would all state their social security number.

Because of the amount of rain and because it is always like that, they never reach the amount that they have to reach before social security can be deducted.

Senator MONDALE. How many years, Mr. Juarez, have you personally been involved as a farmworker and migrant?

Mr. JUAREZ. I don't think I have ever been out.

Senator MONDALE. You started when you were 5 years old. How old are you now.

Mr. JUAREZ. I am 31.

Senator MONDALE. Would you say that the conditions of the farmworker and the migrant have improved substantially during this period, or not?

Mr. JUAREZ. No, because I remember the first year that we traveled from Texas to the sugar beet companies in Ohio with many other families, especially on the highways that we traveled, we could not find a place to stop. We could not find a place to rest. We could not find a decent place to eat.

I remember that all we ate was bologna and bread, which is the only thing that you might be able to buy when you are traveling on a highway.

Some of these same houses that have been in existence for 15 or 20 years are still there, where we have lived. I visited Arkansas and

Missouri, part of the places where I was raised. And there are houses and people still living in them. except for those farmers who burned their houses because of the migration of the blacks and the Chicanos who migrated into citrus or other States because of the cotton-picking machines.

Senator MONDALE. It is your testimony that in some 25 years that you have been a farmworker and migrant, the conditions have not improved?

Mr. JUAREZ. To my way of feeling, no. The farmworker is still discriminated against. He is unaccepted in the community. He is still being exploited by farmers, by crew leaders, by contractors, by the stores from which he buys, by insurance companies. You name it. The whole society is against us.

Senator MONDALE. Did you see the NBC documentary the other night entitled "Migrant—An NBC White Paper"?

Mr. JUAREZ. Yes.

Senator MONDALE. Would you say that documentary overstates the plight of the migrant or understates it?

Mr. JUAREZ. I would say that it understates it.

Senator MONDALE. It understates it?

Mr. JUAREZ. Yes, in many ways.

Senator MONDALE. I know your testimony recounted that. But I wanted to get your response to the direct question.

Could it not be the case, in fact, that with mechanization, the plight of the migrant is even worse than it has been?

Mr. JUAREZ. Yes.

Senator MONDALE. You have recounted the fact that many of the migrants are returning home early this year.

Mr. JUAREZ. Yes.

Senator MONDALE. Normally, if it is a good crop year, they would go north and stay in the stream from late spring until sometime in the fall?

Mr. JUAREZ. Yes.

Senator MONDALE. And they would go from one crop to the next?

Mr. JUAREZ. Right.

Senator MONDALE. But this year many of them are returning home early?

Mr. JUAREZ. Right.

Senator MONDALE. To Florida, where there is no employment.

Mr. JUAREZ. And some of them never left.

Senator MONDALE. And some of them never left. And I gather for some of them it is because of the fact that mechanization is taking over some of the work.

Mr. JUAREZ. That is right. I remember, for example, in west Texas, around the Lubbock area, where I used to stand barefooted or take along my friend with my parents when we were picking cotton, and actually the same thing that happened then is happening now in various States because of mechanization.

There has already been mentioned tomato-picking machines in Florida. When that happens, I don't know what the migrant farmworker is going to do. They have a lot of cherry-shakers in Michigan now. They have a pickle machine.

Many of us used to go to work for the Heinz Pickle Co. in Cedar Rapids and various other pickle companies we used to work with. They don't have the amount of work available for the migrants that they used to have.

Senator MONDALE. In a situation where a migrant father, wife and family start north this year for a job, do they know for sure that the jobs that they had the previous year will be available again to them? Or is the whole risk of finding out the current labor situation on them? Do they get any help from the State employment service, the Federal Farm Labor Service, or anyone else to help them, and says, "Wait a minute, there is no point going north this year to pick that crop, because those jobs are not there anymore"? Are there too many migrants going north seeking jobs which don't exist any longer, and are they forced to compete for the few that remain? What is the condition?

Mr. JUAREZ. They get absolutely no help from the State employment office. They get absolutely none.

For example, if the crops are bad up north, naturally the State employment office is not going to mention it to the farmworker, because regardless of how bad the crop is in Michigan or Indiana or Ohio, or whatever State they travel to, some of these people are still wanted because they are wanted to gather what little there is. They don't particularly care about the amount of people. They want to assure themselves that they are going to have enough labor.

Some of them, for example, we have gotten information back as far as Wyoming, where some people have migrated for sugar beets. They found that there was not as many sugar beet fields as there used to be, as there was last year. Many of them, however, are not informed. The only ones that are doing any informing to the farmworker is the farmworker organizations, which is themselves. They are informing them through a nationwide communication, where the work is available or wherever the bad weather struck or wherever they have established another machine, where it will be harder for the farmworker to survive.

But it is hard for the migrant to decide to stay in a place where there is no longer any employment. It is hard for him to decide to stay there. So he gambles, and he continues to migrate regardless of what sometimes another farmworker will tell him.

This year we experienced the same thing. We informed various farmworkers about the conditions up North. We informed them about what was happening in the Florida State, in our counties. Yet what they would do, they would move sooner in order to try to be there before anybody else arrived. And they found everybody doing the same thing.

Senator MONDALE. They all arrived much earlier, for far fewer jobs?

Mr. JUAREZ. Right.

Senator MONDALE. As these jobs are disappearing due to mechanization, what about the number of migrants in the migrant force? Are there still new recruits in the migrant stream coming from Texas and elsewhere to inflate the number of farmworkers?

Mr. JUAREZ. Yes. I personally reported approximately about 800 illegals from Mexico who were brought by various crew leaders, who go all the way to the border and bring them to Florida.

Senator MONDALE. In other words, while these jobs are disappearing, they are still going to Texas to recruit illegals to come to Florida?

Mr. JUAREZ. Right. They are still bringing in offshore labor, too.

For example, we tried to help some by recruiting, ourselves, some of the farmworkers, and encouraging them to go to citrus, to work in citrus. But when they arrived there, there was no housing available to them or they were just not hired. Some of them returned. Some of them got hired, and some of them didn't.

Senator MONDALE. Would it be fair to say that the desperate condition of the farmworker along the Texas-Mexican border, and the possibility of free entrance across that border by poor Mexicans, creates such a desperate situation that in large numbers they are continuing to flow to Florida and other places in a desperate search for work.

Mr. JUAREZ. Right.

Senator MONDALE. So that as jobs are disappearing due to mechanization, the actual size of the farmwork force is increasing, due, in some significant part, to the desperate conditions resulting from border crossings. And, in addition to that, they are bringing in more than nationals—such as British West Indians—in large numbers into Florida for sugar cane. Is that correct?

Mr. JUAREZ. I believe they have 1,800 offshore laborers for citrus, too.

Senator MONDALE. For citrus, not for sugar cane?

Mr. JUAREZ. Specifically for citrus.

Senator MONDALE. Is that larger this year than last year?

Mr. SEGOR. It is some hundreds larger.

The worry is what happens in the future. They have their foot in the barn door, and they are going to kick it open.

Senator MONDALE. That is the direction they are going.

So while the farmworker situation becomes increasingly desperate, the supply of foreign labor is increasing.

Mr. JUAREZ. Right.

Also, because of this crossing of Mexicans from Mexico into the State of Texas, it forces other people to migrate from the State of Texas into Florida.

Senator MONDALE. As a matter of fact, most of the Chicanos in Florida are there because the situation was so desperate along the Mexican border. Is that right?

Mr. JUAREZ. Right. As a result of that hurricane that hit the State of Texas, we gained more migrants in the State of Florida, and we continue to gain more migrants because of the conditions in the State of Texas—and because of the shortage of jobs in States like Wyoming, Arizona, and even California.

So they will come to Florida. And from there they will migrate to eastern States.

For example, many farmworkers just 3 weeks ago arrived in the State of Florida, who had never been there before. But they have heard from others that there is work available there, as little as there is, but that there are jobs available. They found themselves isolated from their home State. They found themselves jobless. And they sought assistance, for example, from welfare agencies, being unsuccessful, so that they could continue on their travel up north—Michigan or Ohio.

Senator Mondale. Is there any evidence that the U.S. Department of Labor is trying to inform them of the real situation in Florida and discouraging them from going there?

Mr. Juarez. I have never seen any efforts made by any State employment office or the Agriculture Department to inform or assist in any way the migrants or the farmworkers in any State I have traveled in. And I have traveled to many of them.

Senator Mondale. I think that is a most scandalous situation.

Senator Saxbe. I think there are efforts. He says he does not know of them. I am sure there are efforts, because I have seen them.

Senator Mondale. How many years have you been in the stream?

Mr. Juarez. Twenty-five years.

Senator Mondale. And how many years have you been a community organizer?

Mr. Juarez. Only two.

Senator Mondale. And you have never seen any of this?

Mr. Juarez. No.

Mr. Segor. Senator, when I was with the OEO program, we had offices next to Farm Labor Offices in two locations at one time. I used to get reports back that the FLS employees were there sleeping during the day. All I got were pessimistic reports from everybody about that situation about the employment service.

I think there is a scandal that could well be opened up to somebody who has subpena power to start digging around in there. I think some of the things that Mr. Juarez is raising points about, not that we should focus on the farmworkers and their plight anymore—to my memory, I think two journalists won the Pulitzer Prize on that issue in the last 15 years. The documentary 10 years after Edward R. Murrow again establishes the fact.

Mr. Juarez is beginning to be a professional witness, as are others, in telling you of their plight. Decisions are being made in this country at the political level, in the board rooms of large corporations. And they are being made by labor unions that come in and diddle with farmworkers, as they did in Florida, and back out without giving them the resources. They are keeping people in conditions of poverty.

One of our next witnesses, I understand, is really going to delve into it. He has more facts about this than I do.

I think this is an issue that this committee has to be very concerned with, where the decisionmaking processes are.

Senator Saxbe. I had information the other day about employment around Ocala. That is a horse country, not so much the fruit-and-vegetable country. The local employment office could not provide people. They made a contract with Dominicans to come in there in work gangs. They have these people in there now.

Mr. Segor. In Ocala, Fla., from the Dominican Republic?

Senator Saxbe. Yes.

Mr. Segor. What kind of vegetables?

Senator Saxbe. It is not for fruit and vegetables. It is baling hay, building fences, this kind of thing.

Mr. Segor. I really don't know. I requested all requests in Florida, other than sugarcane for foreign workers. I received nothing from the Department of Labor indicating that people were being employed for the horse industry.

Maybe they don't consider that "agriculture," and they played games with my letter. But I am totally unaware of that.

Mr. JUAREZ. Our office in Homestead was visited by one person from the State employment office. I tell you, the day he came into our office—and this is the only time that one of them has ever come to speak to us—he came, he opened the door, he walked in like he was King David. He walked in, he failed to introduce himself. He did not say anything. All he did was just come up to the desk, and he said, "I need a hundred hungry people."

There are times when you can hold back in your anger. I try to do that most of the time. Sometimes I fail. But this man made me so mad that I asked him what did he want the hungry people for. He said that he wanted them for okra. He didn't say where.

This was immediately after we were showing the amount of unemployment because of the flood. He didn't tell us where these people were supposed to go to work. He didn't say who he was or where he was from.

It was later I found he was from the employment office. But he said, "I want a hundred hungry people."

I told him I was angry. I said, "Since when do people have to be hungry in order to work, in order to cut okra?"

He did not answer. He started backing out. And, believe me, I was ready, so that he could mop the floor with me or me mop it with him, because that is usually the manner in which State and local officials treat us, by insulting remarks or just merely ignoring us.

In my years of migrating and working in the fields, I have never heard one farmworker claim that he was helped by the employment office.

Senator MONDALE. It is now noon. We have two more witnesses. I think we ought to complete the questions with this panel, and perhaps come back later for the other witnesses.

Senator Saxbe?

Senator SAXBE. Mr. Segor, are most of the oranges picked by migrants in Florida?

Mr. SEGOR. There are migrants in seasonal agriculture. Some of them stay all year in those localities. Others are true migrants and move on.

Senator SAXBE. Are most of the migrants Mexican-Americans?

Mr. SEGOR. Not in citrus; no. They are mostly blacks.

Senator SAXBE. Those blacks are migrants in Florida?

Mr. SEGOR. That is right. Many of them are, not all.

Senator SAXBE. Most of them?

Mr. SEGOR. Figures are hard to come by. Probably the majority are migrants.

Senator SAXBE. They migrate from Florida or elsewhere?

Mr. SEGOR. That is right.

Senator SAXBE. Or just around Florida?

Mr. SEGOR. They will do both. They will move up into the other crops in the summer.

Senator SAXBE. This is true for the Claremont-Leesburg areas up through Lake and Polk?

Mr. SEGOR. Certainly true of Polk County.

Senator SAXBE. I was under the impression that most of the harvesters there were recruited locally. That is the reason I asked the question.

Mr. SEGOR. They consider the local areas their home, so they are recruited locally. But many of them will also go on the stream. They may not go the whole summer. Some may go part of the time. Some may go 1 year and not the next year.

The recruiting processes are somewhat haphazard in that regard.

Senator SAXBE. Is it common for most families to want to work in citrus groves?

Mr. SEGOR. Yes.

Senator SAXBE. Small children?

Mr. SEGOR. Yes.

As a matter of fact, there is one camp called Maxey's Camp, owned by Coca-Cola, where I have had reports of 50 or 60 children out in the field, not necessarily working, because they can't reach the tree. But they can work in vegetables. But they are out there because there is no other place for them to go.

Senator SAXBE. Are they working?

Mr. SEGOR. Some will work.

Of course, the very smaller ones cannot work citrus. It is too much work.

The University of Miami's statistics indicate there is a heavy dropout at the sixth-grade level, which is the age at which a child can begin to do a pretty full day's work.

Senator SAXBE. Has the minimum wage helped any?

Mr. SEGOR. No, I would not say at all. It is all piecework. They get around the minimum wage.

Senator SAXBE. The minimum wage is not enforced?

Mr. SEGOR. No, there is no enforcement whatever.

Senator SAXBE. No interest in enforcement?

Mr. SEGOR. I have never seen any interest.

Senator MONDALE. Senator Schweiker?

Senator SCHWEIKER. Thank you, Mr. Chairman.

Mr. Juarez, you mentioned a case, if I heard you correctly, in one crop you were being paid 30 cents per unit. And then after that, I guess because of a weather setback, the price dropped to 12 cents per unit that the workers were paid.

Is my recollection correct?

Mr. JUAREZ. Right.

Senator SCHWEIKER. What crop was that?

Mr. JUAREZ. Tomatoes.

Senator SCHWEIKER. When something like that happens, is there any legal remedy?

In other words, getting back to the minimum wage, is there any legal remedy that you folks have? Would that have been below the minimum wage, for example, under the law in Florida, or whatever Federal law applied? Or what resources, if any, did you have to fight that cutback?

Mr. JUAREZ. We don't, because we don't have any collective bargaining. There are enough people waiting there to be hired. What can you do?

Senator SCHWEIKER. Would this not violate either the State or some Federal regulation of the minimum wage we are talking about? Or are you saying that was not worried about, either?

Mr. JUAREZ. I would have to be an attorney to know that.

Senator SCHWEIKER. Is your farm group affiliated with the United Farm Workers Organizing Committee? Or is it a separate group?

Mr. JUAREZ. It is a separate group.

Senator SCHWEIKER. Is the United Farm Workers Organizing Committee active in your area or not?

Mr. JUAREZ. Not in our behalf.

Senator SCHWEIKER. What progress do you feel you are making in organizing?

In other words, Senator Mondale asked you the question of what is happening in general conditions of the people over the years. Can you specifically relate what progress you are making in union organizing?

Mr. JUAREZ. We are not union organizing.

Senator SCHWEIKER. You are not?

Mr. JUAREZ. No.

Senator SCHWEIKER. What role do you perform? What role do you perform for the OMICA migrants in community action?

Mr. JUAREZ. It is a nonprofit corporation. We try to establish enough information as to services that are available to the migrants, the seasonal farmworker. We try to police the programs that are there which express so much discrimination toward them. We try to inform them of newly passed laws that might be available for their benefit. And we stand up, and when we are asked, we bring it to the attention of those in power to seek change.

Senator SCHWEIKER. Do your activities differ from union activity, then?

Maybe this question should be addressed to Mr. Segor, because he made the statement—"the largest farmworker organization in Florida." Maybe he can answer that.

Mr. SEGOR. I think the distinction is that they are not attempting to be collective-bargaining units at this point, which is, I think, what a union is. They are working, I think, in the roles they are taking—what they are trying to do is show the farmworker the benefit of organization.

Whether the union comes or not is a separate question, which has not been answered.

The experience in Florida with unions is very bad, mostly the unions' fault. The farmworkers took a beating as a result of it. That was not the union that is active in Texas and California. If they had come in, I think it would have been a different story.

At the moment, Mr. Juarez is working with his group on what perhaps the original community-action-program concept was before it got demolished, and is doing a better job at it.

Senator SCHWEIKER. Mr. Juarez, I realize that you have a lot of problems with your people. But what, in your judgment, is the most serious, difficult, or worst problem that you face with your people today? Is there any one thing you can put your finger on?

I realize the whole picture is not very encouraging. But is there any one thing that stands out in your mind that will go a long way toward rectifying the situation that could be corrected?

Maybe it is not that easy to oversimplify it.

Mr. JUAREZ. It is not, because all the problems are just as bad. The problem of housing, where our people have doubled up and are living in pigpens provided by the farmers. The excessive amount of rent that is charged for them. Or it might be the wages, that they are not adequately paid. Or it might be the unemployment that exists in the State. Each one of these problems is just as bad as the other. Each one relates to the other.

Senator SCHWEIKER. One more question. Mr. Segor's testimony referred to a situation relating to blindness among agricultural workers. You said that a vocational counselor attributes the high incidence of eye disease to the swirling muck dust encountered by the worker.

Can you describe for the subcommittee the physical environment that produces this, and what crops?

Mr. SEGOR. The crops range from sugarcane to tomatoes, and the whole range of vegetable crop that you eat in your salad. That area is really part of the Everglades. The soil is the tremendously decayed, rich vegetable matter of the centuries.

So long as it is wet, it stays down on the ground. When it begins to dry, it just crumbles into powder and can blow.

Of course, the agricultural workers are out in that stuff all day. Apparently—and this is new information I recently got—it has a tremendous effect on their eyes because of the very fine granulated form.

Doctors could undoubtedly tell you more about that. The statistic, as I used it, of course, has its own human value and also shows the really pernicious effect of the farmers lobby in preventing an accepted and elementary form of social benefit, which is workmen's compensation, which probably, from the pressure of the insurance companies, might get portable showers so that the workers could wash their eyes.

It might be difficult to wear goggles all day. But you could get treatment at the beginning of the disease if that was available. But it is not available for most workers. It is available to the foreign workers. The Labor Department insists it be available.

Senator SCHWEIKER. It is available for the foreign workers?

Mr. SEGOR. It is required by both the Labor regulations and the contract signed by the foreign employment unit and the farmers, that they must have State workmen's compensation.

Senator SCHWEIKER. You are saying we treat our foreign workers better than our domestic migrants in many areas?

Mr. SEGOR. Far better. The housing is better. Everything is better. That does not make it very good, but it is better.

Senator SCHWEIKER. It is available because the Secretary enforces an agreement that he makes on the importation of farmworkers?

Mr. SEGOR. That is right. Although it is not the best collective bargaining, the foreign government has a certain bargaining position. The Government of Puerto Rico has a bargaining position with its workers up north.

Senator SAXBE. You have testified and others have testified that the migratory labor has been shamelessly exploited. Who is responsible for this? Is it someone making unconscionable profit? Is it the grower, the packer? Does the product sell too cheap?

Mr. SEGOR. I think it is a combination, at least these days. The indifference of those who control the industry—that does not mean there is a monopoly that is planning to exploit the workers in every instance. Much of it is indifference, failure to exercise responsibility by those who finance and those buying up the farms.

The small farms are dying out. And agriculture in Florida is more and more in the hands of big business.

There is also a structure at the lower level which these corporations superimpose themselves over, without attempting to change. They do not try to change the old attitudes of racism, of personal indifference to people of different color, and to their welfare.

So if you really want to get down to the responsibility now, I think you would have to go perhaps out of the State of Florida to the people who own these things as part of their investment and say, "Look, you are making money, but you are not changing the social conditions which have grown up down there."

The politicians in the State receive their benefits, of course, from the farmers who have money, not from the farm workers who don't have money and don't vote. With some rare exceptions—thank goodness for that—the politicians show a great disinterest in helping the people. At the local level, they may even be the economic exploiters. The guy on the commission may own the farm.

It is a total social environment. So long as we just focus on misery, we are not going to end the misery.

I may say that I share the pessimism of others about the Federal Government. I was around in the heyday of optimism. And those of us who should have known better politically learned our lesson.

Senator SAXBE. I take it, in regard to that, the Agricultural Committees of both the House and Senate have not shown any great interest in changing the basic concept of this. And I think that we can share your pessimism a little bit, too, because while a great deal of this is a labor problem, there is a lot more of it that is an agricultural problem, as I understand it.

With the big subsidies and with the attitudes that seem to be expressed generally in committees, we can't be very optimistic about any radical change.

I can understand where a small grower, which you say is going out of business, finds himself between a rock and the other place, because to compete he has to go along with what he can get at the cheapest price.

In Ohio we have a somewhat different situation, because ours are sugar beets and tomatoes primarily. We found, for instance, a few years ago that there were people who were recruiting labor and they also managed to recruit about twice as many as were needed. In this way, of course, when they all arrived, there would be a ready supply. And then, of course the recruiters from Michigan for the cherries would come in and recruit for up there and again attempt to get an over-supply. The shortages would be day-to-day shortages. The over-supply would be month-to-month.

Now if the Department of Agriculture is not doing something about this—as I say, the Ohio committee that was formed for the purpose of trying to do something for the migratory labor did put out information bulletins on a monthly basis in trying to level off the tremendous influx of people. Then we found out there were a lot of people going through Ohio anyway, because they were going to Michigan to work. And it was a convenient stopover on their way to Michigan to pick cherries.

Senator MONDALE. Thank you very much, gentlemen.

Mr. Segor we will print your statement in its entirety at this point in the record.

(The prepared statement of Mr. Segor follows:)

PREPARED STATEMENT OF JOSEPH C. SEGOR, EXECUTIVE DIRECTOR, MIGRANT SERVICES FOUNDATION, INC.

Mr. Chairman, members of the subcommittee, my name is Joseph C. Segor. I am the Executive Director of the Migrant Services Foundation, Inc. I am a lawyer and for the past several years have concentrated my efforts on the problems of farmworkers. From May 1967 to September 1969, I was the Executive Director of Florida Rural Legal Services, Inc., an OEO funded legal services program operating in seven south Florida counties.

The Migrant Services Foundation is privately financed and provides legal and other services to farmworkers in Florida. We are headquartered in Miami, but operate throughout the State. My companion is Rodolfo Juarez, Executive Director of Organized Migrants in Community Action, Inc. (OMICA), the largest farmworker organization in Florida. He was born and raised a migrant, eventually becoming a crew leader. Recognizing the exploitation of migrants by crew leaders as well as others, he quit, at great financial sacrifice, to work for several OEO rural programs prior to becoming the operating head of OMICA. OMICA maintains a full-time office in Homestead, Dade County, Florida and has chapters in a number of locations throughout the State.

I will present a short prepared statement after which we will both be happy to answer questions.

Mr. Chairman, the newspapers and news programs have been filled with accusations by growers, agribusiness organizations, and political leaders in our state that the recently aired NBC Migrant White Paper produced by Martin Carr and narrated by Chet Huntley was biased. These individuals and organizations were so certain of their position that they made their accusations even before they saw the show. Our Governor, whose protests were among the loudest, appeared to be trying to create a self fulling prophecy of bias by declining to appear on the program.

The dictionary teaches that bias implies unreasoned and unfair distortion of judgment in favor of or against a person or thing. It is the thesis of my remarks that the State of Florida, through its governmental institutions at all levels, as well as its social and economic structures is biased against the farmworkers. I would modify the dictionary definition somewhat, however, because in my opinion the bias which oppresses farmworkers is in many instances not unreasoned, but a deliberate, calculated and purposeful attempt to maintain an economic advantage regardless of the cost in human misery. Also, inextricably connected to the economic motivation is a deep and pervasive racism that permiates all of rural and much of urban Florida. Present too is a hypocritical selfishness that masks itself in a philosophy of radical individualism and surfaces as an extreme hostility to programs, especially federal programs, intended to aid the needy, the helpless and the powerless, particularly when these are Black, Chicano, or Puerto Rican. At the same time, every effort is made to obtain federal largess which benefits the dominant economic, political and social groups.

The abuse heaped upon NBC was only one minor manifestation of the foregoing characteristics. To anyone familiar with migrants, the NBC show understated rather than overstated their problems. I have seen places such as Jerome that are worse than any shown on the show. The feeling of oppressiveness that occurs cannot be shown on TV. It can only be lived. The conclusion of that show that all Americans are responsible is wrong, particular men and institutions are at fault, they should not be allowed to hide in the crowd.

A specially good example of institutional hostility to farmworkers was the State response to their pleas in the spring of this year that they be accorded the unemployment benefits provided in the Disaster Relief Act of 1969.

A complete account of this shameful episode is contained in my report to the Board of Directors of the Migrant Services Foundation, Inc., a copy of which is attached as an appendix to these remarks. Perhaps the best short summary of what happened is contained in a headline from the Fort Myers (Fla.) News-Press of April 10, 1970, which read, "Disaster Relief: Farmers Get It, Migrants Want It." Unfortunately, or more properly I should say tragically, they did not get. The motives that lead growers and State officials to combine to prevent the migrants from receiving assistance specifically provided by the Congress for their benefit must inevitably remain conjectural, but the consistently repeated viewpoint that migrants won't work if they learn that they can get something for nothing is, no doubt, at least part of the answer. It is never explained why, if migrants are paid as well as growers claim, they would want to continue on a dole providing a maximum of forty dollars per week. Nor why, in other contexts, they would prefer to get commodities, food stamps or welfare, assistance, rather than work for the bountiful wages claimed to exist. (See Miami News article of July 17, 1970.) This managerial philosophy of "starv'em or else they won't work" appears to be a rationalization that allows the growers and their allies to live with the exploitive system they control. This rationalizing process takes another and perhaps more pernicious form in the "let's appear to do something for them" syndrome. This takes two primary forms. The first involves the making of promises without any attempt at delivery. A good example of this was Governor Kirk's "Action Plan" unfolded in the spring of 1969. Some of the target dates contained in the plan are interesting and in a morbid way amusing. April 15, 1969—"GO." April 16, 1969—State Advisory Commission on Migratory Farm Service appointed. April 21, 1969—Joint meeting in Tallahassee of federal, state and local officials to create task forces. May 1, 1969–June 15, 1969—all existing migrant programs in state evaluated by onsite inspection of specialists. . . ." July 16, 1969, report and recommendations to Governor and federal agencies. August 15, 1969, coordinated program underway. The migrants are still waiting for this one. No doubt they'll continue to wait.

The other manifestation of the "let's appear to do something for them" is actual creation of an institution that will appear to do something, but either because of its basic design or its manner or operation or both, will in fact do nothing.

A fine example of this purposefully bad kind of engineering is the recently enacted statute creating "the Florida Legislative Commission on Migrant Labor and an Advisory Committee Thereto." The bill makes a pass at recognizing that there is a problem by stating that ". . . the most economically and socially deprived segment of population in the United States of America consist of those persons generally referred to as migrant farmworkers. . . ." It goes on to create a commission composed of three members from each house of the legislature. The commission is authorized to enter into "agreements for the establishment of cooperative arrangements" with other states. The Governor is authorized to enter into an "interstate migrant labor compact" in substantially the form set forth in the statute. The compact would set up an interstate migrant commission which would only have the power to do research, suggest proposals and cooperate with other agencies. In essence, the commission would be powerless and would be dependent for financing upon state appropriations to be requested by it. This toothless tiger is only one illusion contained in the bill.

The other is an advisory committee composed of representatives of five state agencies, four enumerated grower organizations and, presumably for balance, a representative of the Florida state federated labor council. This latter choice is unique in that if there is one place the farmworkers are not represented it is the Labor Council. There are also positions open for not less than two, nor more than four other persons selected and appointed by the commission. There is not the slightest guarantee that the farmworkers will be directly or even indirectly represented by anyone close to them. The legislative commission was created without any consultation with farmworker organizations or their allies, although these are well known to the legislature. Three of the grower organizations were added at the demand of a grower lobbyist. It can be expected that the additional representatives will be "safe" people not likely to cause controversy by strong and persistent advocacy of farmworkers rights.

Even if good people are added to the committee, the whole focus of the bill is outward toward an amorphous alliance of states to occur at some unknown and inevitably far distant date when a dozen or more state legislatures can get around to ratifying the pact. It completely avoids the need to turn and look at the problems within Florida and to devise solutions for them. In sum, the bill is a cruel and preposterous hoax.

Having dealt with the institutional biases of our state executive and legislative branches, I would like now to turn to the operation of existing programs at the local level. Naturally, among these there are substantial variations in how they perform, depending in part upon the agency concerned and geographic location. Nonetheless, a few generalizations can be made. From reports given to me as well as personal experiences, I can say that state and local agencies are:

(1) Not run for the convenience of those they serve, the farmworkers, but for the convenience of the staffs.

(2) The local offices are dominated by grower interests and use the benefits they confer to require the farmworkers to conform to those interests.

(3) There is little, if any, outreach, so that often those most in need of help do not get it. This can happen either because the farmworkers have not been informed of the services offered or the services are dispensed at times or places which the farmworkers cannot reach.

(4) The agency staffs often have negative attitudes toward their clients, in many cases these attitudes are basically racist. The attitudes all too often manifest themselves in indifference, impoliteness, harshness and sometimes cruelty.

(5) Agency personnel instead of earnestly trying to help prove eligibility, do everything possible to prevent the clients from establishing their rights to aid.

Innumerable cases can be recounted in support of the foregoing. A few will suffice. In many counties, welfare and food distribution offices are located in places that the poor cannot reach by any means other than private automobile. I have been told that in Polk County the commodity distribution office is located at an out of the way spot, and the cost of reaching the place amounts to as much as one-tenth of some welfare clients checks.

When a representative of the Florida Christian Migrant Ministry approached the director of distribution in this county about opening several distribution points, he was told that the county commission had already turned down the suggestion as too expensive. One county commissioner was quoted in the press as saying "the next thing the poor will want is for us to go to their homes and cook the food for them."

When the Director was queried about making the hours more convenient to farmworkers, the office was open from 8:30 to 3:30, Monday thru Friday, he asked why he and his staff should be inconvenienced for the farmworkers convenience? To the reply that the reason was that they serve the poor, he said that he had a responsibility to his employees.

This same man added that if the poor really want the food they would get to the distribution center when it was open. Many people applying for food at this center have been turned down three and four times because the county employees make no attempt to help them comply with the regulations. One requirement is that the farmworker show his last pay check or a letter from an employer stating his earnings. This is often impossible for people who are paid cash and often work for many employers. Variations of this theme are heard from sources throughout the state. Attempts to get mobile food distribution units for rural areas have generally been rebuffed.

In the same county, I spoke of before, the welfare office is located at an old airport which is hard to reach. AFDC mothers who must go to see their social workers must either pay to get there or rely on others. As a result, they often come late or miss their appointments altogether.

In Polk County there hasn't been a migrant health project for two years. The local health department was unwilling to keep separate records for migrants and therefore was unable to comply with federal regulations. As a result it pulled out of the program. The health department's convenience, in this case, was clearly more important to the county health officer than the health of farmworkers. No doubt, he would feel very much put upon if he were told his job depended on getting the project back.

Collier County's Food Stamp Program has proof of income rules similar to those previously enumerated. Many farmworkers can't comply with them. In addition, the food stamp personnel will check eligibility by asking employers what they expect the applicant to earn the following month. Because of the pervasive hostility of growers to the program, they will often make high projections, thus leaving the individual and his family ineligible. When a local Black and a Chicano leader went to the county commission to protest this practice, they were told they could not do so because they had participated in a peaceful demonstration.

The Director of the American Friends Service Committee Migrant Project which operates a housing program has informed me that he has had to abandon trying to qualify farmworkers for section 235 housing loans because of the use of such middle class eligibility requirements as holding a job for two years and providing W-2 forms. Farmworker employment practices, of course, making this, impossible. The AFSC has now switched to the Farmers Home Administration, but this limits the number of houses that can be built.

Ironically, my experience in the housing field is just the opposite of that of AFSC. In 1968, when I was Executive Director of Florida Rural Legal Services, our Belle Glade office began work on a housing project for Pahokee, a nearby town. After many months of planning, an application for a large project was filed. It was turned down by Farmers Home Administration with the assertion that the authorizing legislation did not allow them to make this size loan. It was our opinion, as well as that of the counsel of a consulting firm we were using, that this interpretation was wrong. We were joined in our opinion by Congressman Paul Rogers, who protested, but to no avail. We finally had to abandon Farmers Home and begin again with FHA. I am informed that after two and a half years of effort the first models will shortly be constructed.

That racism prevails cannot be denied. In Lee County it has been necessary to file suit to integrate the County nursing homes. In that same County, a Doctor quit the welfare program after a suit was brought to require him, among other things, to integrate his waiting room.

Innumerable instances have been recounted of hospitals which have received Hill-Burton funds refusing to treat indigents. In Homestead, I have attended meetings where the feeling of hatred expressed by Blacks and Chicanos against the local James Archer Smith hospital was so intense it was almost unbearable. Their complaints involved both failure to care for the poor and racism. They feel so strongly that they do not want a federally funded migrant health project that will shortly open up to even attempt to get services from the hospital. This, despite the fact that the next closest hospital is 15 miles away by way of a heavily trafficked road.

Other witnesses have discussed the absence of basic legal protections for farmworkers and the reports of this committee have collected valuable data on this point. I will just point out that it is not only lack of laws that create difficulties, but also the impotence of endorcement agencies. For instance, the health department which is charged with inspecting migrant camps in Florida does not have lawyers to file suit against violators. It must rely upon county prosecutors who look upon this type of activity as a nuisance taking away from their crime duties. In those places where the prosecutor has a private practice, there may actually be conflicts of interests.

Even if the Health Department had enforcement powers, its regulations are a fraud, being hardly worth the effort to enforce. The same is true of the federal regulations on migrant housing.

I am informed that in Palm Beach County the Health Department shys away from environmental health problems as opposed to clinical ones because of the fear of possible political repercussions. This fear of political retaliation is ever present and effects the activities and operations of even the most dedicated program and workers.

It is in this context that I come to my next point which is that there is an interchange between intransient institutions and biased people, back again between biased people and intransigent institutions that paralyzes efforts to obtain needed change. We are constantly told the farmworkers are content with their lives, won't work and won't help themselves. Yet, when there is a chance, that farmworkers will engaged in the processes that lead to change, intense efforts are made to frustrate them.

I have seen a report, which I believe to be valid, which told of one large farmer providing buses for his workers to attend a picnic on election day. This was to prevent the workers from exercising their franchise. A black leader in Immokalee told me that the same type of thing occurred on the day a referendum was held on the question of incorporating the town. Naturally, the White farmers and businessmen who owned property did not want to be part of a city in which the majority of the voting population was Black and Chicano.

The power of agribusiness to thwart the democratic processes in order to prevent farmworkers from obtaining benefits that other working people take for granted is notorious. In 1969, agribusiness was taken by surprise and a bill eliminating the farmworker workmen's compensation exemption was voted out of committee in both houses of our state legislature. Despite a last minute lobbying effort, the bill passed the Senate by two votes.

Unfortunately, it did not get on the special order calendar in the House and time ran out. This year the lobbyists were ready and the Friends of Farmworkers in the legislature could not even get a watered-down version of the bill out of committee.

The tragic effects of grower opposition to this most elementary form of social legislation is set forth in an article that appeared in the July 16, 1970, issue of the Palm Beach Post. The article quotes a vocational counselor for the Florida Council for the Blind, as saying that he sees as many cases of blindness among glades agricultural workers as there are in the rest of Palm Beach County, although the agricultural population makes up less than 10% of the county population. He attributes the high incidence of eye disease to the swirling muck dust encountered by the workers. First, it would provide more immediate medical care to the workers who are injured by the dust. Second, many of our industrial safety practices have resulted from the pressure of insurance companies on business to get it to upgrade standards. We could probably expect the same to happen in agriculture were workmens compensation to be universally extended to the workers.

Returning to the local scene, a classic example of community sabotage of a needed federal project recently occurred in Immokalee. A doctor from the University of Miami's School of Medicine became interested in setting up a major clinic there under the Migrant Health Act. With the support of the U.S. Public Health Service he began to discuss the proposed project with all segments of the community, not only in Immokalee, but also in the county seat at Naples. He touched all the bases, and lined up support from growers, business people, the Health Department, the County Commissioner for the area and, so he thought, the county Medical Society. All this in addition to the enthusiastic support of the intended consumers. However, when a public meeting was held to discuss the project, he was shot down by the local doctors by the use of a clever ploy. The doctors told the people that what they needed was not a clinic but a hospital. Naturally, everyone became excited over the idea and the Migrant Health Act clinic was forgotten.

A board was formed under the chairmanship of the one private physician in Immokalee to begin raising money. This physician, along with the local druggist had been prime opponents of the clinic. The physician had even gone so far as to threaten to quit practice if the clinic came in. The upshot of this is that little or nothing has been done to further the hospital in the year that has elapsed and the clinic will be located in the more hospitable climate of Dade County.

From public reports and talks with various people familiar with what occurred, I have been able to come to the following conclusions.

(1) Attitudes toward the project were deeply affected by prevailing hostility toward federal projects. Although interestingly enough, this did not extend to shyness about applying for Hill-Burton funds. This generalized anti-federal hostility made otherwise hard-headed people receptive to a pie in the sky hospital plan despite the fact that the community's small size militated against such a hospital being successful. It also blinded people to the possibility that the clinic could be used as a base upon which to build plans for a future hospital as has been proposed for the south end of Dade County.

(2) The local physician and druggist were afraid of competition from the clinic and put their own economic well-being ahead of that of the people.

(3) The County Medical Society was afraid that the clinic would raise the farmworkers level of expectations concerning medical care to too high a level.

(4) The dominant community feared extensive consumer participation on the governing board of the clinic. Both because such participation, if successful, will do violence to prevailing racial attitudes and because any process that might lead to greater ability upon the part of the non-Anglo population to govern itself, is viewed as threatening.

(5) The lack of sophistication and powerlessness of the workers made them incapable of resisting the tactic. Many of them were fooled into thinking it was for real.

(6) The inability of the federal government to directly serve needy, but politically impotent consumers, without working through hostile local forces was a prime contributor to the debacle. Once again the people were mangled.

In contrast to Immokalee, Dade County was able to muster tremendous community support for the project. The Medical School, the County Medical Society, the Health Planning Council, the Urban Coalition and somewhat reluctantly and even truculantly, the local health department. The difference of course, is that Dade County is overwhelmingly urban and it is therefore possible to circumvent potential opposition from rural elements. This distinction between urban Dade and rural Collier County while fortunate for the farmworkers in Dade is cause for the deepest melancholy in the remainder of the rural poor.

Nevertheless, the Dade County project does provide a laboratory in which we can observe a project that has on its board a majority of consumers. Hopefully, the clinic will not only provide first rate medical service but will also act as a training ground for community leaders. It is interesting to note that the principal source of discontent with consumer control in Dade County appeared to be the local Health Department and the regional federal bureaucracy in Atlanta. Perhaps with experience they will come to also cherish the values attendant upon consumer control.

I started these remarks by asserting that it is the farmworkers and not the protesting agribusiness men who are the victims of bias. The examples I have recited are merely a few among legions that support that statement. When the growers come in and lobby for workmen's compensation, unemployment insurance, grower responsibility for social security, more stringent housing codes, better health services a tenfold increase in housing starts with better terms; when they conduct voter registration drives, finance leadership clinics, provide better wages and financial incentives and really believe that the word "nigger" is bad, they will have established some credibility with the farmworkers and their friends. In short, when the growers believe in the American dream for the other guy—then their pleas will not have the hollow ring of hypocrisy.

Thank you, Chairman Mondale and the other distinguished Senators on the Committee for giving me this opportunity to express my views.

Senator MONDALE. We will now stand in recess and start with the witness Philip Moore at 2 o'clock.

(Whereupon, at 12:30 p.m. the subcommittee recessed, to reconvene at 2 p.m. the same day.)

AFTERNOON SESSION

(The subcommittee reconvened at 2 p.m., Senator Walter F. Mondale, chairman of the subcommittee, presiding.)

Senator MONDALE. Mr. Philip Moore, executive director of the Project on Corporate Responsibility.

STATEMENT OF PHILIP MOORE, STAFF COUNSEL, PROJECT ON CORPORATE RESPONSIBILITY, WASHINGTON, D.C.

Mr. MOORE. Mr. Chairman, my name is Philip W. Moore. I am staff counsel to the Project on Corporate Responsibility, a newly formed organization to seek out and explore the ways in which large private corporations can be made more responsive to public needs.

Corporate leaders today make decisions that fundamentally affect the day-to-day lives of citizens. Yet, too often, corporate decision-makers remain isolated from the voice of the public and free from public outrage. We felt this was true with General Motors in our first campaign to make General Motors responsible, a public interest proxy fight which the Project on Corporate Responsibility conducted.

We have just begun an investigation of the agribusiness industry which shows a similar result—a callous disregard for the welfare not only of workers but also of the consumer. In addition to planning the second round of Campaign GM, the project will pursue corporate involvement in the agribusiness industry.

Ten years ago CBS showed a remarkable documentary, "Harvest of Shame," which depicted the tragic and shameful human conditions to which migrant workers are subject in their day-to-day lives. Last Thursday night, NBC showed what appeared to be a virtual repeat of the CBS film—nothing had changed.

The migrant still lives in daily fear for his survival. He has utterly no hope for the future, either for himself or his family. He is locked into a system in which all of the essential elements of life support—income, housing, food, health—are controlled by a corporate system of farming on the one hand and a total lack of public support programs on the other.

And here we are today—testifying—giving still more evidence of the obvious. We have heard testimony of inadequate medical and health programs for the migrant. We have heard testimony of the failure of local agencies to fill the needs of income and health for these workers. And we have all heard of inadequate Federal programs which not only fail the migrant, but ironically give tremendous support to the corporate farmer who is very much a cause of the migrant's needs.

Tragically, what is most important about this testimony and the NBC film is not the substance of what was said—those facts have been known for years—but rather that we've had these hearings and another documentary at all. One viewing of "Harvest of Shame" should have been sufficient to create a firm resolve to end then the human exploitation of migrant workers.

Instead, it seems, the opposite is true. The leaders of these corporations apparently saw the CBS documentary in 1960 as depicting an opportunity for explosive profit, rather than as an appalling story of human tragedy. Ten years ago, Coca-Cola bought out Minute Maid orange juice and plunged itself into the Florida citrus industry and the system of migrant labor which that industry supports.

Ten years ago, the Atlantic Coastline Railroad incorporated Alico Land Development Co. in Florida to develop some 203,000 acres of Florida land as a first step toward creating a new agribusiness empire.

In the last 10 years corporate farming has skyrocketed. Since 1960, close to 7,000 corporations have come into farming and related activities, many of them as subsidiaries of large conglomerate corporations. Tenneco in California through the Kern County Land Corp.; Gulf & Western in Florida through the South Puerto Sugar Co.; United Fruit in Texas (Pan American Freeze); Coca-Cola in Florida; Royal Crown Cola in Texas (Texsun); Union Carbide in Texas; and the railroads—Penn-Central in Florida, Northwest Industries in the Midwest, Seaboard and Atlantic Coastline Railroads in Florida, these and many more corporations have moved into agribusiness.

Agribusiness is complicated enough, involving as it does the use of human resources to convert land resources into profit. It is made still more complicated by corporate machinations, tax considerations, and Federal farm programs, which defy imagination in the way that they benefit corporations—not people.

But one fact must be clear: Corporations come into farming and land use because they make money, it is a good investment. It is the corporations who get the lion's share of the $120 billion that consumers spent last year on food and beverages. But for whatever reason, corporations are there, and the decisions made by these corporations at least perpetuate a condition of human misery because of acquiescence and at worst create this misery by active contribution to the system of migratory labor.

It is those corporations and their leaders who derive benefit from this system either as investors or corporate managers that must ultimately bear the responsibility of this system.

In pointing to the large conglomerate, I do not mean to exclude the large local corporations that are primarily into agriculture. These local corporations participate just as fundamentally in the exploitation of the farmworker—the Collier Corp., Benn Hill Griffin, A. P. Duda & Sons, Griffin & Brand, the Bentson family all own and farm, and process the produce from thousands of acres of land in Florida and Texas.

No one corporation can be singled out as particularly bad, for they have all failed in the last 10 years to take any meaningful step to eliminate the conditions which their corporate decisions impose daily on the lives of migrant workers. (U.S. Sugar has embarked on a housing program. Our information is not sufficient as to its effects.)

But because all have failed to take responsible measures does not excuse each one of them from accountability. And indeed, the large conglomerate farmer has perhaps a special responsibility, having created a sophisticated chain of corporate structure which isolates the corporate decisionmakers from public pressures and human misery.

Who in this country knows that Minute Maid orange juice is a Coca-Cola product? Or who can know that Alico is controlled ultimately by a Baltimore bank? It is precisely this problem of corporate insulation through holding company structure or through internal divisions that makes information gathering extremely difficult and ultimate remedies almost impossible.

Coca-Cola, especially, seems pained that they have been singled out on the NBC show. They point to other companies that are also doing bad things, and they say they have plans for new programs. But just because other corporations are doing bad things doesn't excuse Coke. More importantly, Coke is big, it is powerful, and it is visible.

Coke's policies can set the standard for other corporations and as such Coke has perhaps a special responsibility. If Coke doesn't want to be singled out, it should not only clean its own house, but also assert its leadership position on its corporate colleagues to reform their migratory labor policies.

The Coca-Cola Co. is one of the biggest Florida citrus growers and distributors. It owns or controls under long-term lease more than 30,000 acres of planted citrus groves in Florida. In addition, it owns three Florida processing plants with a capacity of 7,100 gallons of citrus concentrate per hour. Through its food division, Coca-Cola handles all of the distribution of its Minute Maid products.

While the company has numerous subsidiaries and conducts business in 25 countries, it is run primarily through internal divisions. In 1960, Minute Maid was merged into Coca-Cola and for 7 years was run as a separte division. In 1967, Coke formed a food division, of which Minute Maid is a subdivision. The food division is based in Houston, Tex.

Coke's director of farmworker personnel, William Kelly, was until very recently stationed in Houston where Coke has no farmworking requirements, far away from the day-to-day misery of the Florida workers.

One of Coke's Minute Maid groves is at the corner of Route 630A and Hobson Road in Frostproof, Fla. The grove is serviced by migratory worker quarters called Maxey Quarters, which is owned and operated by Coca-Cola. These quarters, which were filmed in the NBC documentary, house between 200–300 people. They have no indoor water or plumbing; there is no hot water, the conditions of the houses are unquestionably bad.

But what is worse, even, than the housing conditions, is the social control that is maintained over the life style of the migrants and all of the basic life support systems of the migrants.

In order to live in these houses, a family must work for Coke. If somebody is sick, the foreman, not a doctor, can decide whether the person can stay home. If the foreman decides that a worker is not sick, then he must either work or risk eviction from his housing. With eviction comes total loss of income, housing, medical support, and food.

Coke maintains no day care facilities; children must either go to the fields or hang around the quarters. The families need the children to help pack the oranges—the cycle of destitution continues unending. If one part of the cycle breaks down, the worker's whole life breaks down.

We have not been able to determine, because there are no breakdowns, how much of Coke's income comes from the food division and how much in turn comes from Minute Maid operations. But they do make money. The president of Coca-Cola is J. Paul Austin. His salary is $150,000; his retirement benefits are $48,000 and he owns 55,000 shares of Coke, which pays him annually an additional $79,200.

The chairman of the board of directors is Lee Talley. His annual salary is $61,000; his retirement benefits are $48,000 and he owns 45,000 shares of Coke stock which pays $64,800 a year. Mr. William A. Coolidge is a former director of Minute Maid and is now a director of Coca-Cola holding 97,000 shares of Coca-Cola stock which pays $139,000 a year. Together the directors and officials of Coke own more than a million shares.

None of these men, nor any of Coke's chief employees, suffers the slightest bit of income, job, or life support insecurity. Their needs, all of them, are well taken care of for the rest of their lives and several generations to come. Yet, a portion of the income that these men receive from their work and stock ownership comes from the labor and scandalous insecurity of migrant workers in Florida.

It is bad enough that they should be able to make so much money when workers in their own company make so little. But it is even worse that the working conditions, the wages, the system of racism and despair which characterize the life of the migrant worker are a product of, and perpetrated by, decisions made by these very same men. And they bear a major responsibility for curing the defects of their decisions.

Shortly after this testimony was announced, I received a call from Mr. Joseph Califano, former aide to President Johnson and now an attorney with Arnold & Porter, who represent Coca-Cola. He asked to talk to me about the new programs that Coke was starting. We met and he described new programs which have been in the planning stages, he said, for nearly 2 years.

Many of the programs sound good. They cover housing, education, wage scales, working conditions and job security. They seem to recognize needs for upward mobility and community participation. And they appear to come from a commitment of Coca-Cola to do something about the problems of migrant workers in Florida.

I understand that Coca-Cola executives will be testifying later in these hearings. I assume that the specifics of the programs will be spelled out then, and I postpone additional comment until after we have had a chance to review the specific programs.

But regardles of the benefit of the program, it is appalling that it took 10 years to embark on any program at all. Ten years have been lost on an opportunity for a responsible corporation to begin to attack a fundamental problem encompassing an entire life system. Corporations should not be permitted such 10-year luxuries.

I would like to ask Mr. Austin or Mr. Talley how long it took Coke to introduce a new product like Sprite—was that 10 years? Or what about new methods—a new can—does it take 10 years to develop a new can? I doubt it. Why is it that when it comes to profit, corporations work fast, but when it comes to human conditions, corporations at best plod along.

Another corporation, the Alico Land & Development Co. (Alico) is a relatively small farming operation in Florida. Indeed, when compared to other giants like U.S. Sugar (90,000 acres), Collier Corp. (400,000 acres). and Coca-Cola with 30,000 acres of planted citrus groves—Alico's farming operations are miniscule. But Alico was born of a large corporate conglomeration, growing out of railroad operations, most of which I have put in this chart, which to me represents a new form of corporate "pop-art," if you are willing to look at it and see the various lines and part of the railroad holding structure. Perhaps later we can refer to the chart specifically. It represents a commitment of these corporations and their leaders to utilize old railroad resources for long term agricultural and land holdings. It represents a commitment to invest in a system of agriculture, on an increasingly large scale, which participates in the despair of migrant workers. And it provides an extremely good example of how corporate structure tends to isolate the actual decisionmakers from the operation of the farm.

Alico does its business in citrus, cattle, forestry, and land rental. It owns and controls some 203,000 acres of Florida land. 6,875 are in citrus, 4,025 of these acres being planted in citrus groves. In 1969, 54.5 percent of its income came from citrus groves. Its citrus groves are located in Polk County (5,265) and Collier County (1,200).

We have been unable to determine how many migrant workers harvest these citrus groves, or any of their other agricultural products. Most harvesting is done through a profit-sharing arrangement with Ben Hill Griffin, Inc., and we have not been able to determine whether the worker is hired by Alico directly or by Ben Hill Griffin, Inc. If the usual practice apuplies, Ben Hill Griffin, Inc., the processor, does the hiring of migratory workers. Ben Hill Griffin, Jr., is a director of Alico.

In each of the past 3 years, Alico's annual report mentions the unfavorable impact of bad weather on its crops. But in each year Alico's net return on its citrus increases. In the years between 1967 and 1968, higher income resulted from higher prices paid by the consummer. In 1969, the income in net return from citrus ($57,000—11 percent over 1968) equals the amount saved in lower harvesting payroll minus the amount lost in gross sales.

While this may be pure coincidence, the company's increase in citrus net returns appears to come at the expense of the consumer in higher prices and the worker in less work. Alico appears to be able to modify its harvesting cost and the worker thus suffers, not only from corporate disregard but also from the capricious nature of the agricultural industry.

The company, despite the changing weather conditions, keeps increasing its profits, Alico has retained all of its earnings and has never declared a dividend to its stockholders.

Alico was incorporated in 1960 as a subsidiary of the Atlantic Land & Improvement Co., which was then a subsidiary of the Atlantic Coastline Railroad Co. It was formed to take over and develop some 203,000 acres of Florida land originally held by the railroad, but then owned by Atlantic Land & Improvement Co.

Alico was since spun off, and is now a subsidiary of the Atlantic Coastline Co., a holding company which owns 35.4 percent of the Alico stock. Fifty-two percent of the stock in Atlantic Coastline Co. is owned by the Mercantile Safe Deposit & Trust Co., a Baltimore bank.

The Interstate Commerce Commission has held that the Atlantic Coastline Co. is controlled by Mercantile Bank. Recently, the Mercantile Bank has announced that it is merging with two other Maryland banks to form still another holding company called Mercantile Bankshares, Inc. The Mercantile Bank currently owns directly 5 percent of the Alico stock directly so that Mercantile's total stock control of Alico is slightly more than 40 percent.

The Mercantile, Atlantic, and Alico holding company line was originally intended to be part of a larger holding company structure growing out of a merger between the Atlantic Coastline Railroad Co. and the Seaboard Coastline Railroad. Seaboard Coastline Railroad is currently a 100-percent owned subsidiary of the Seaboard Coastline Industries, the railroad holding company.

The Atlantic Coastline Co. was to have merged into Seaboard Coastline Industry, forming one holding company structure. But for tax considerations, the merger never went through. As it now stands, Atlantic Coastline owns 15 percent of Seaboard Industries, which provides almost all of Atlantic's income. The Mercantile Bank owns or controls directly 2 percent of the Seaboard stock.

The complicated corporate structure and variations in stock ownership should not serve to protect the men who benefit from this structure and ultimately make the decisions that affect the use of the land and the conditions of the worker. The fact that there are several corporate tiers between the Alico farming operations and the corporate decisionmakers does not isolate the decisionmakers from the impact of their corporate decisions.

The men that run Alico ultimately bear the responsibility for Alico's participation in migrant working conditions, and they are part of this larger corporate structure. Three men especially seem close to the operations.

William E. McGuirk, Jr., is chairman of the board of the Mercantile Safe Deposit & Trust Co., in Baltimore. He is a director and chairman of the executive committee and vice president of the Atlantic Coastline Co. He is a director and member of the executive committee of Alico. He is a director, and chairman of Seaboard Coastline Industries and Seaboard Coastline Railroad.

In addition to stock options and pension plans he receives compensation in the following amounts and sources: Seaboard Coastline Railroad, $62,000; Atlantic Coastline, $1,400; Seaboard Coastline Industries, $600; Mercantile Bank, $79,999; or a total of $144,000 in direct remuneration from these four companies. He receives no compensation directly from Alico. On retirement, he will receive at least $70,000 a year from these companies.

William T. Rice is chairman and president of Atlantic Coastline Co. He is a director and chairman of Alico, and he is chairman and chief executive officer of Seaboard Industries and the Seaboard Railroad. He receives $149,205 in direct compensation from these companies, in addition to stock options and dividends, $144,000 of which comes from Seaboard Railroad. On the Atlantic and Seaboard reports he lists his address as Richmond Va. On the Alico report he lists his address as Jacksonville, Fla., Alico being a Florida corporation.

Prime F. Osborn is a director and president of Seaboard Coastline Railroad & Industries. He is a director of Atlantic, and he is a director, member of the executive committee, and vice president of Alico. He receives as direct remuneration from these companies a total of $90,085—$87,000 of which comes from Seaboard Railroad.

In addition to the interlocks of these three men, Mercantile is well-endowed with the usual ironies of director interlocks. In view of the medical problems which daily confront migrant workers, the participation of Johns Hopkins Hospital in Mercantile is particularly ironic. Johns Hopkins Hospital owns 3,000 shares of Mercantile. Mr. J. C. Cooper, Jr., who is chairman of the board of Johns Hopkins Hospital, is a director of Seaboard and Atlantic as well as Mercantile, and owns 974 shares of Mercantile. McGuirk himself is vice chairman of the hospital, and Russell Nelson is president of the hospital and on the Mercantile board. Milton Eisenhower, the former president of Johns Hopkins University, is on the Mercantile board.

One would hope that these men when confronted with the testimony at these hearings will exercise their responsibilities as investors and directors to solve the medical and health problems of the migrant. They especially should be concerned—being as they are, men of medicine and men of finance.

Messrs. McGuirk, Rice, and Osborn are primarily responsible for the operations of Alico. They are well plugged into the local agricultural operations—having several Florida bankers on their board. Ben Hill Griffin, an important processor—crucial to any farming operation—is on Alico's board. And they have hired a local man as president of Alico, whom they pay less than $30,000 for his efforts. While these people participate in day-to-day operational decisions, it is Rice, Osborn, and McGuirk who make the ultimate policy decisions.

And they enjoy fantastic corporate benefits from their railroad holding company structure—benefits and security which stand in sharp contrast to the lives of the migrant workers who are affected by their decisions. McGuirk's salary alone (not to mention his income from private investments) is enough to support 165 migrant workers at the going annual average income of $891.

Indeed, McGuirk or Rice could have financed all of the Federal welfare payments made in Hendry County, Fla., in fiscal 1969, and still had more than $40,000 a year left over for their personal use. And the fringe benefits: These men have virtually no worries about health care, life insurance, and other traditional forms of life support. If these men stopped working tomorrow, they would have large annual incomes; they would still have medical care; they would still have at least one house; their children would still have their education and opportunities for the future.

Not so for the migrant worker. If he stops working, if he gets sick, if he is injured, he loses everything, not gradually, but right away.

Moreover, the fact that these men derive virtually no income directly from the operations of Alico does not free them from their responsibilities to develop an enlightened agricultural business. Indeed, in some ways it is more offensive; for they have created a company for which they have no economic need. They can afford the luxury of retaining earnings for future land acquisitions and new mergers such as the recent formation of the Alico Helicopter Co., to get into the chemical spray business. What is almost a hobby with these corporate leaders is a day-to-day life struggle with the migrant worker.

I have talked today only of Coke and Alico. There are, of course, other corporations and corporate decisionmakers who make lots of money and are as responsible for this suffering as Coke and Alico. But Coke and Alico seem particularly appropriate models for large corporate farming on the one hand and corporate insulation on the other.

Now I could go on and on about corporate conglomerates. Many have, but I don't think it is necessary. Their stories are so similar. Some say it is extremely complicated stuff—agribusiness—especially trying to ferret through corporate structures to get to the heart of economic realities. But in fact, it's very simple; some corporations are making large investments into a farming industry which wrecks havoc on the day-to-day lives of its workers.

And I sometimes get the feeling that corporate leaders create the complexities of subsidiaries, of divisions, and large economics and then point to those very complexities which they have created in order to hide simple realities.

Here the reality is simple. It's a reality of despair. And it is a reality that is daily practiced by the agricultural industry. And those people who run these corporations at least have a responsibility to alleviate the problem, and may in fact be responsible for creating the problem.

And the Government, what can you do? Of course you can pass legislation covering minimum wages, health and welfare, housing, collective bargaining and the like. I am sure you have many welfare alternatives. And I think you should consider them all.

But I think we can't let the corporations off so easy. Why can't the grower cooperatives and conglomerates join in and create a common fund to maintain an annual wage for the migrant worker pool? Why can't a similar fund for health, life, and medical insurance be created by these corporations?

Indeed, why does the taxpayer have to participate in still another farm program which will benefit ultimately the private corporations? And if the cost of these programs, privately funded, privately created, must be borne by the consumer, then so be it. According to NBC, a doubling of wages would add only 1 to 2 cents to consumer costs. But I think, judging from the Alico figures, that a good portion of this cost can be borne by the real owners and investors.

As I sat here listening to the testimony, I became more and more offended: Why do these corporate leaders get away with this junk so often? Why are corporations permitted to ignore for so long the human suffering they cause? Why is it that corporations can pollute and rape our land and human resources, and when they are finally discovered, come in and apologize?

We expect more from human beings in their day-to-day lives; why don't we demand at least the same standard from our corporations in the day-to-day conduct of their business?

I just know that Austin and other Coke officials are ging to come breezing into these hearings and they are going to say: "Boys, we're sorry. We're sorry for raping these people. We're sorry that we don't pay them enough to live a month, much less a year. We're sorry that migrant workers die at the age of 49. We're sorry about all these things we do every day. But now we're going to be better. We're going to make new houses and we're going to raise wages, and give the worker some hope. So stay off our backs and give us another chance." That is what the Coke people are going to say.

Well, I don't think that's enough. We have lost a whole generation just in the last 10 years because of corporate ignorance. We may have lost a whole world because of corporate rape of the environment. We have got to stop this. We have got to stop corporations from getting away with this kind of irresponsibility in the future. This Congress has got to find ways in which corporations and their leaders are accountable not simply for future activities, but for their past conduct.

For our part, we will be watching companies like Coke and Alico, and as many of the others as our resources and dedication permit. We are going to study these "plans." We will see about a boycott of Coca-Cola, and Minute Maid, and other companies. Already, we have placed orders to buy stock in these companies. And we will go to our coowners like Johns Hopkins and ask them what they will do about Alico.

Someday a migrant worker will look down that complicated corporate maze all the way to Baltimore and see McQuirk as president of the Mercantile Bank. Someday that migrant worker will set his sights on that bank, and say, "If I work real hard, I too would be chairman of the Mercantile Bank." But I hope he chooses not to be president of the bank, but rather dedicates himself to creating truly responsible institutions that do not isolate its leaders from the day-to-day impact of their decisions. Then we won't need hearings and documentaries.

But as it is now, the workers can't even look beyond the orange tree. Only when McGuirk and his corporate colleagues are prepared or compelled to give up the luxury of corporate isolation, will that day become a reality. [Applause.]

Senator MONDALE. Thank you, Mr. Moore, for a most impressive statement. I only regret that more of my colleagues were not with me to hear it. I order your entire statement printed at this point in the record.

(The prepared statement of Mr. Moore follows:)

PREPARED STATEMENT OF PHILIP W. MOORE, STAFF COUNSEL, PROJECT ON CORPORATE RESPONSIBILITY

My name is Philip W. Moore. I am staff counsel to the Project on Corporate Responsibility, a newly formed organization to seek out and explore the ways in which large private corporations can be made more responsive to public needs. Corporate leaders today make decisions that fundamentally affect the day to day lives of citizens. Yet too often corporate decision-makers remain isolated from the voice of the public and free from public outrage. We felt this was true with General Motors in our first campaign to make General Motors responsible, a public interest proxy fight which the Project on Corporate Responsibility conducted. We have just begun an investigation of the agri-business industry which shows a similar result—a callous disregard for the welfare not only of workers, but also of the consumer. In addition to planning the second round of Campaign GM, the Project on Corporate Responsibility will pursue corporate involvement in the agri-business industry.

Ten years ago CBS showed a remarkable documentary, "Harvest of Shame," which depicted the tragic and shameful human conditions to which migrant workers are subject in their day to day lives. Last Thursday night NBC showed what appeared to be a virtual repeat of the CBS film—nothing had changed. The migrant still lives in daily fear for his survival. He has utterly no hope for the future, either for himself or his family. He is locked into a system in which all of the essential elements of life support—income, housing, food, health—are controlled by a corporate system of farming on the one hand and a total lack of public-support programs on the other.

And here we are today—testifying—giving still more evidence of the obvious. We have heard testimony of inadequate medical and health programs for the migrant. We have heard testimony of the failure of local agencies to fill the needs of income and health for these workers. And we have all heard of inadequate federal programs which not only fail the migrant, but ironically give tremendous support to the corporate farmer who is very much a cause of the migrant's needs.

Tragically, what is most important about this testimony and the NBC film is not the substance of what was said—those facts have been known for years—but rather that we've had these hearings and another documentary at all. One viewing of "Harvest of Shame" should have been sufficient to create a firm resolve to end then the human exploitation of migrant workers.

Instead, it seems, the opposite is true. The leaders of these corporations apparently saw the CBS documentary in 1960 as depicting an opportunity for exploitive profit, rather than as an appalling story of human tragedy. Ten years ago, Coca-Cola bought out Minute Maid Orange Juice and plunged itself into the Florida citrus industry and the system of migrant labor which that industry supports. Ten years ago, the Atlantic Coastline Railroad incorporated Alico Land Development Company in Florida to develop some 203,000 acres of Florida land as a first step toward creating a new agri-business empire.

In the last ten years corporate farming has skyrocketed. Since 1960, close to 7,000 corporations have come into farming and related activities, many of them as subsidiaries of large conglomerate corporations. Tenneco in California through the Kern County Land Corporation; Gulf and Western in Florida through the South Puerto Rico Sugar Company; United Fruit in Texas (Pan American Freeze); Coca-Cola in Florida; Royal Crown Cola in Texas (Texsun); Union Carbide in Texas; and the railroads—Penn Central in Florida, Northwest Industries in the midwest, Seaboard and Atlantic Coastline Railroads in Florida, these and many more corporations have moved into agri-business.[1]

Why these corporations come in is not totally clear, but it must be the money. Agri-business is complicated enough, involving as it does the use of human resources to convert land resources into profit. It is made still more complicated by corporate machinations, tax consideration, and federal farm programs, which defy imagination in the way that they benefit corporations—not people. But one fact must be clear: Corporations come into farming and land use because they make money, it is a good investment. It is the corporations who get the lion's share of the $120 billion that consumers spent last year on food and beverages. But for whatever reason, corporations are there, and the decisions made by these corporations at least perpetrate a condition of human misery because of acquiescence and at worst create this misery by active contribution to the system of migratory labor. It is those corporations and their leaders who derive benefit from this system either as investors or corporate managers that must ultimately bear the responsibility of this system.

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[1] See appendix.

In pointing to the large conglomerate, I do not mean to exclude the large local corporations that are primarily into agriculture. These local corporations participate just as fundamentally in the exploitation of the farm worker—the Collier Corporation, Benn Hill Griffin, A. P. Duda and Sons, Griffin and Brand, the Bentsen Family all own and farm, and process the produce from thousands of acres of land in Florida and Texas. No one corporation or category can be singled out as particularly bad, for they have all failed in the last ten years to take any meaningful step to eliminate the conditions which their corporate decisions impose daily on the lives of migrant workers.[2]

But because all have failed to take responsible measures does not excuse each one of them from accountability. And indeed, the large conglomerate farmer has created a sophisticated chain of corporate structure which isolates the corporate decision-makers from public pressures and human misery. Who in this country knows that Minute Maid Orange Juice is a Coca Cola product? Or who can know that Alico is controlled ultimately by a Baltimore bank? It is precisely this problem of corporate insulation through holding company structure or through internal divisions that make information-gathering extremely difficult and ultimate remedies almost impossible.

Coca Cola, especially, seems pained that they have been singled out on the NBC show. They point to other companies that are also doing bad things, and they say they have plans for new programs. But just because other corporations are doing bad things doesn't excuse Coke. More importantly, Coke is big, it is powerful, and it is visible. Coke's policies can set the standard for other corporations, and as such Coke has perhaps a special responsibility. If Coke doesn't want to be singled out, it should not only clean its own house, but also assert its leadership position on its corporate colleagues to reform their migratory labor policies.

The Coca Cola Company is one of the biggest Florida citrus growers and distributors. It owns or controls under long term lease more than 30,000 acres of planted citrus groves in Florida. In addition, it owns three Florida processing plants with a capacity of 7,100 gallons of citrus concentrate per hour. Through its Food Division, Coca Cola handles all of the distribution of its Minute Maid products.

While the company has numerous subsidiaries and conducts business in 25 countries, it is run primarily through internal divisions. In 1960, Minute Maid was merged into Coca Cola and for seven years was run as a separate division. In 1967, Coke formed a Food Division, of which Minute Maid is a subdivision. The Food Division is based in Houston, Texas. Coke's director of farmworker personnel—William Kelly—was until very recently stationed in Houston where Coke has no farmworking requirements, far away from the day to day misery of the Florida workers.

One of Coke's Minute Maid groves is at the corner of Rt. 630A and Hobson Road in Frostproof, Florida. The grove is serviced by migratory worker quarters called "Maxey Quarters," which is owned and operated by Coca Cola. These quarters, which were filmed in the NBC documentary, house between 200–300 people. They have no indoor water or plumbing; there is no hot water, the conditions of the houses are unquestionably bad. But what is worse, even, than the housing conditions, is the social control that is maintained over the life style of the migrants and all of the basic life support systems of the migrants.

In order to live in these houses, a family must work for Coke. If somebody is sick, the foreman, not a doctor, can decide whether the person can stay home.

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[2] U.S. Sugar has embarked on a housing program. Our information is not sufficient as to its effects.

If the foreman decides that a worker is not sick, then he must either work or risk eviction from his housing. With eviction comes total loss of income, housing, medical support, and food. Coke maintains no day care facilities; children must either go to the fields or hang around the quarters. The families need the children to help pack the oranges—the cycle of destitution continues unending. If one part of the cycle breaks down the workers whole life breaks.

We have not been able to determine, because there is no breakdown, how much of Coke's income comes from the Food Division and how much in turn comes from Minute Maid operations. But they do make money. The president of Coca Cola is J. Paul Austin. His salary is $150,000; his retirement benefits are $48,000 and he owns 55,000 shares of Coke, which pays him annually an additional $79,200. The Chairman of the Board of Directors is Lee Talley. His annual salary is $61,000; his retirement benefits are $48,000 and he owns 45,000 shares of Coke stock which pays $64,800 a year. Mr. William A. Coolidge is a former Director of Minute Maid and is now a Director of Coca Cola holding 97,000 shares of Coca Cola stock which pays $139,000 a year. Together the directors and officials of Coke own more than a million shares. None of these men, nor any of Coke's chief employees suffer the slightest bit of income, job, or life support insecurity. Their needs—all of them—are well taken care of for the rest of their lives and several generations to come. Yet, a portion of the income that these men receive from their work and stock ownership comes from the labor and scandalous insecurity of migrant workers in Florida. It is bad enough that they should be able to make so much money when workers in their own company make so little. But it is even worse that the working conditions, the wages, the system of racism and despair which characterize the life of the migrant worker are a product of, and perpetrated by, decisions made by these very same men. And they bear a major responsibility for curing the defects of their decisions.

Shortly after this testimony was announced I received a call from Mr. Joseph Califano, former aide to President Johnson and now an attorney with Arnold and Porter who represent Coca Cola. He asked to talk to me about the new programs that Coke was starting. We met and he described new programs which have been in the planning stages, he said, for nearly two years. Many of the programs sound good. They cover housing, education, wage scales, working conditions and job security. They seem to recognize needs for upward mobility and community participation. And they appear to come from a commitment of Coca Cola to do something about the problems of migrant workers in Florida.

I understand that Coca Cola executives will be testifying later in these hearings. I assume that the specifics of the programs will be spelled out then, and I postpone additional comment until after we have had a chance to review the specific programs. But regardless of the benefit of the program, it is appalling that it took ten years to embark on any programs at all. Ten years have been lost on an opportunity for a responsible corporation to begin to attack a fundamental problem encompassing an entire life system. Corporations should not be permitted such ten year luxuries.

I would like to ask Mr. Austin or Mr. Talley how long it took Coke to introduce a new product like Sprite—was that ten years? Or what about new methods—a new can—does it take ten years to develop a new can? I doubt it. Why is it that when it comes to profit, corporations work fast, but when it comes to human conditions, corporations at best plod along.

Another corporation, the Alico Land and Development Company (Alico) is a relatively small farming operation in Florida. Indeed, when compared to other giants like U.S. Sugar, (90,000 acres in Collier County); and Coca Cola with 30,000 acres of planted citrus groves—Alico's farming operations are miniscule. But Alico was born of a large corporate conglomeration, growing out of railroad operations. It represents a commitment of these corporations and their leaders to utilize old railroad resources for long term agricultural and land holdings. It represents a commitment to invest in a system of agriculture, on an increasingly large scale, which participates in the despair of migrant workers. And it provides an extremely good example of how corporate structure tends to isolate the actual decision-makers from the operation of the farm.

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And they enjoy fantastic corporate benefits from their railroad holding company structure—benefits and security which stand in sharp contrast to the lives of the migrant workers who are affected by their decisions. McGuirk's salary alone (not to mention his income from private investments) is enough to support 165 migrant workers at the going annual average income of $891.00. Indeed, McGuirk or Rice could have financed all of the federal welfare payments made in Hendry County, Florida, in fiscal 1969, and still had more than $40,000 a year left over for their personal use. And the fringe benefits: These men have virtually no worries about health care, life insurance and other traditional forms of life support. If these men stopped working tomorrow, they would have large annual incomes; they would still have medical care; they would still have at least one house; their children would still have their education and opportunities for the future. Not so for the migrant worker—if he stops working, if he gets sick, if he is injured, he loses everything, not gradually, but right away.

Moreover, the fact that these men derive virtually no income directly from the operations of Alico does not free them from their responsibilities to develop an enlightened agricultural business. Indeed, in some ways it is more offensive; for they have created a company for which they have no economic need. They can afford the luxury of retaining earnings for future land acquisitions and new mergers such as the recent formation of the Alico Heliocopter Company, to get into the chemical spray business. What is almost a hobby with these corporate leaders is a day to day life struggle with the migrant worker.

I have talked today only of Coke and Alico. There are, of course, other corporations and corporate decision-makers who make lots of money and are as responsible for this suffering as Coke and Alico. But Coke and Alico seem particularly appropriate models for large corporate farming on the one hand and corporate insulation on the other.

Now I could go on and on about corporate conglomerates. Many have, but I don't think it is necessary. Their stories are so similar. Some say it's extremely complicated stuff—agri-business—especially trying to ferret through corporate structures to get to the heart of economic realities. But in fact, it's very simple;

some corporations are making large investments into a farming industry which wracks havoc on the day to day lives of its workers. And I sometime get the feeling that corporate leaders create the complexities of subsidiaries, of divisions, and large economics and then point to those very complexities which they have created in order to hide simple realities.

Here the reality is simple. It's a reality of despair. And it is a reality that is daily practiced by the agricultural industry. And those people who run these corporations at least have a responsibility to alleviate the problem, and may in fact be responsible for creating the problem.

And the government, what can you do? Of course you can pass legislation covering minimum wages, health and welfare, housing, collective bargaining and the like. I am sure you have many welfare alternatives. And I think you should consider them all.

But I think we can't let the corporations off so easy. Why can't the grower co-operatives and conglomerates join in and create a common fund to maintain an annual wage for the migrant worker pool? Why can't a similar fund for health, life and medical insurance be created by these corporations? Indeed, why does the taxpayer have to participate in still another farm program which will benefit the private corporations? And if the cost of these programs, privately funded, privately created, must be borne by the consumer, then so be it. According to NBC, a doubling of wages would add only 1–2¢ to consumer costs. But I think, judging from the Alico figures, that a good portion of this cost can be borne by the real owners and investors.

As I sat here listening to the testimony I became more and more offended—why do these corporate leaders get away with this junk so often? Why are corporations permitted to ignore for so long the human suffering they cause? Why is it that corporations can pollute and rape our land and human resources—and they are finally discovered, come in and apologize. We expect more from human beings in their day to day lives—why don't we demand at least the same standard from our corporations in the day to day conduct of their business?

I just know that Austin and other Coke officials are going to come breezing into these hearings and they are going to say: "Boys, we're sorry. We're sorry for raping these people. We're sorry that we don't pay them enough to live a month, much less a year. We're sorry that migrant workers die at the age of 49. We're sorry about all these things we do every day. But now we're going to be better. We're going to make new houses and we're going to raise wages, and give the worker some hope. So stay off our backs and give us another chance." That is what the Coke people are going to say.

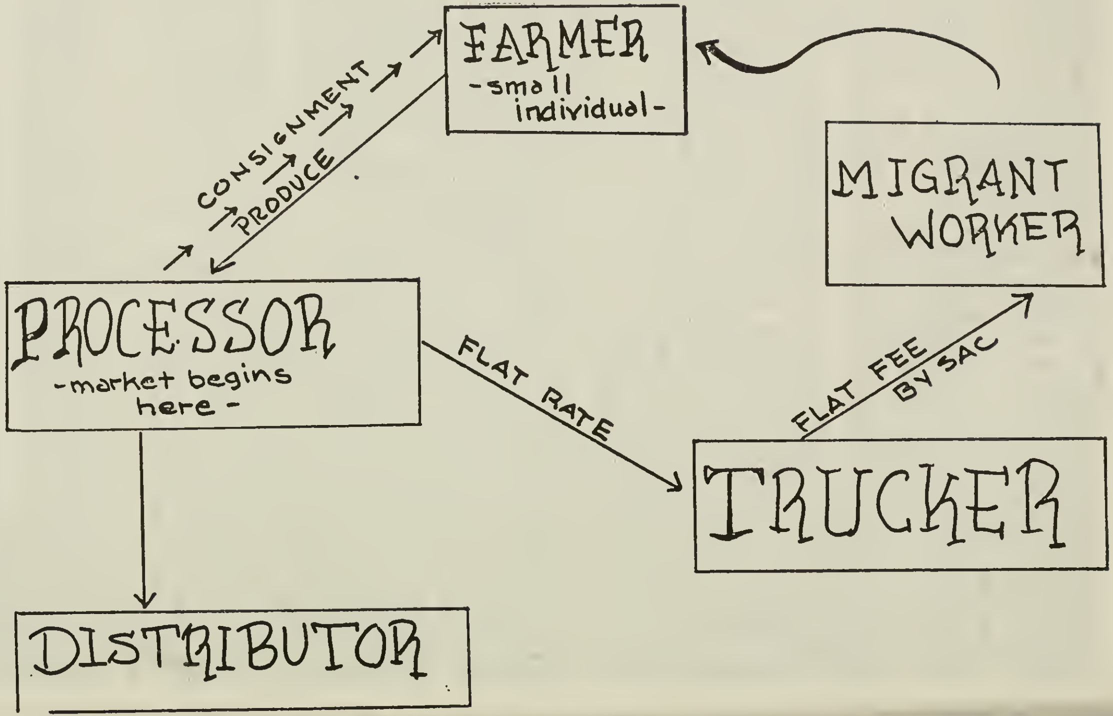
Well, I don't think that's enough. We have lost a whole generation just in the last 10 years because of corporate ignorance. We may have lost a whole world because of corporate rape of the environment. We have got to stop this. We have got to stop corporations from getting away with this kind of irresponsibility in the future. This Congress has got to find ways in which corporations and their leaders are accountable not simply for future activities, but for their past conduct.

For our part, we will be watching companies like Coke and Alico, and as many of the others as our resources and dedication permit. We are going to study these "plans." We will see about a boycott of Coca Cola, and Minute Maid, and other companies. Already, we have placed orders to buy stock in these companies. And we will go to our co-owners like Johns Hopkins and ask them what they will do about Alico.

Someday a migrant worker will look down that complicated corporate maze all the way to Baltimore and see McGuirk as President of the Mercantile Bank. Someday that migrant worker will set his sights on that bank, and say, "If I work real hard, I too would be Chairman of the Mercantile Bank." But I hope he chooses not to be president of the bank, but rather dedicates himself to creating truly responsible institutions that do not isolate its leaders from the day to day impact of their decisions. Then we won't need hearings and documentaries. But as it is now, the worker can't even look beyond the orange tree. Only when McGuirk and his corporate colleagues are prepared or compelled to give up the luxury of corporate isolation will that day become a reality.

APPENDIX I

TEXAS: FARMING CYCLE


FARMER
-small individual-
MIGRANT WORKER
CONSIGNMENT
PRODUCE
PROCESSOR
-market begins here-
FLAT RATE
TRUCKER
FLAT FEE BY SAC
DISTRIBUTOR

APPENDIX II

	Federal grants to corporations	Federal grants to welfare programs
Texas counties:		
Starr	1,211,000	1,788,000
Cameron	13,719,000	4,027,000
Hidalgo	20,854,000	5,184,000
Willacy	4,952,000	499,000
Total	40,736,000	11,498,000
Florida counties:		
Palm Beach	5,353,000	3,585,000
Hendry	506,000	101,000
Collier	118,000	283,000
Total	5,977,000	3,969,000
Grand total	46,713,000	15,467,000
1969 Federal grants to cotton (Texas)	20,137,000	
1969 Federal grants to sugar [1] (Florida)	2,524,000	

[1] 1969 Federal grants to sugar alone, 1,181,195 under the Sugar Act.

Senator MONDALE. You mentioned at the outset of your testimony that since 1960 close to 7,000 corporations have been created and have gone into farming or related businesses. I could not help but be struck by the fact that as the number of corporate farms seem to be dramatically increasing, the number of family-operated farms seem to be dramatically decreasing.

Do you see a correlation between the growers of the large well-funded corporate farms and the future of family farming?

Mr. MOORE. I definitely do. My statement refers to an appendix, which I believe was prepared and added to the record.

That appendix does cover precisely this point. That is, it appears to be the corporate conglomerate moving into farming mostly at the processing level. What that means is that the corporation comes in as a processor, it deals with the individual farmer, usually dictating the terms at a flat or consignment rate.

The processor then goes to the trucker, who in turn goes to the migrant, hires the migrant, and then they haul the stuff to the processing level. That is one cycle of the economics of it.

Distribution is another cycle. At that cycle, most of the profit is being made in the farming operation. What is happening is that the small farmer has no bargaining power, he has no control over ultimate prices. Those prices are set by the corporate leaders further down the line. He is being rubbed out.

In Texas, I understand, processors are going to Mexico, much at the expense of the local family farmer there.

Senator MONDALE. Could it be that one of the side effects of this exploitation of the farmworker is a subsidy to the large corporate farms, which in turn permits them to outcompete the family farmer?

Mr. MOORE. I must say that I have tried—we are very new in the agricultural business at this stage of the game—I tried very quickly to understand all the farming programs. Most of it goes way above my head, so far as I can see.

What I find offensive in the people I have talked to about these programs is that corporations do seem to get the benefit of them.

They do seem to be able to use the kind of benefits that are made available by these Federal programs much better than the small farmer, for whom, in fact, most of these programs were intended.

Senator MONDALE. Do you know what the approximate dollar return to Coca-Cola was last year or a recent period on agricultural sales produced in whole or in part through the use of migrant farmworkers?

Mr. MOORE. No, as I said, I cannot find that figure. It is not broken down that way. It is a gross figure.

I suspect if it were possible to look inside, I am sure Coca-Cola has that broken down and might make it available to the subcommittee.

Senator MONDALE. Do you know how many acres they farm?

Mr. MOORE. In Florida they farm 30,000 acres, most of which is owned, some of which is held under long-term lease.

Senator MONDALE. Do they have other farm operations?

Mr. MOORE. I don't believe so, but I am not positive of this. I think almost all of the citrus operations—as you can see in that chart, there are several other divisions: Hi-C, Snowcrop, and a few other fairly well-known products also come from citrus products. I think all of that comes from Florida. I am not totally positive of that.

Senator MONDALE. Do you have any estimate of how many employees or farmworkers they hire?

Mr. MOORE. I have an estimate, they are figures given to me by Mr. Califano. I am sure they will be very specific on it. They had 700 out-of-State migrant workers; if I remember correctly, 166 in-State Florida migrant workers, what they call floaters, I think, and an additional 100 or 200 that come from offshore islands.

They also have a category of employees called the grove worker, who is a permanent employee of Coke and he has supervisory functions for the grove, and I believe that there are approximately 300 of those. They are in a different category, the grove worker, than the harvesting category which I mentioned earlier.

Senator MONDALE. From your information, there are something like 1,400 farm workers, whether they came from out of State or within the State or foreign nations, and about 300, approximately, supervisory full-time year-round employees, working for Coca-Cola, farming some 30,000 acres of land.

You do not know what the dollar volume is?

Mr. MOORE. No, I do not.

Senator MONDALE. And they are primarily in citrus?

Mr. MOORE. Yes.

Senator MONDALE. Is that exclusively with Minute Maid?

Mr. MOORE. They have Hi-C, Snowcrop and Minute Maid is their biggest product from the citrus industry.

Senator MONDALE. How about Alico? Do you have the comparable figures, the amount of acreage, the dollar volume, the number of farm employees, so that we get a notion of its scope?

Mr. MOORE. Alico has a total of 209,000 acres in Florida. Their citrus is 6,465 in Florida. It is a relatively small citrus operation.

As I mentioned in the testimony, all of their earnings are being retained. Last year they did buy another 600 acres of citrus groves. They are planning, and the whole pattern of that company is to increase its land holdings, especially in the citrus industry.

Senator Mondale. Do you have any idea what their dollar volume was last year?

Mr. Moore. The dollar volume in what?

Senator Mondale. Sales in agricultural products produced by farmworkers. Or do you have any estimate of the number of employees, farmworkers?

Mr. Moore. No, they have no estimate there. It could probably be broken down on some formula of how many people it takes to harvest x number of acres.

Senator Mondale. We will try to develop some of this when Coca-Cola is here on Friday.

In any event, these are large corporate farms that either are run directly or through complicated conglomerate ownership patterns. In your discussion with the representatives of Coca-Cola, did the list of things that they hope to do with their plans, include the right of these workers to organize into a union?

Mr. Moore. That right was never mentioned. I kind of doubt that that was part of their plan.

Senator Mondale. I listened to your testimony and I was wondering what your strategy is, what your approach is, to try to achieve what you call corporate responsibility in the treatment of the farmworker.

How do you intend to go about it?

Mr. Moore. Well, we have just begun. We started early by doing some research in some of the major agricultural industry companies. One of them was Tenneco. Tenneco has very little involvement as we know, so far, in Texas and Florida, at least in farming.

As we review the Coke plan specifically, and as we unwind more of these corporate structures, probably what we will do is two things: With a company like Coca-Cola, which is highly visible, which is using the proceeds, really, of a very popular pop drink to divert it and use it to develop land resources, we might very well consider a boycott of Coke products as a way of applying citizen pressure on them.

There is another possibility, a shareholders' proxy fight of some kind. From my discussion with Mr. Califano, I am sure Coke wants to do something to avoid this problem. I suspect when they come in here at the end of this week, they will try to unfold the plan that this committee and the rest of the public will hope is sufficient.

We, of course, will wait and give them that hearing and see what kind of plan it is and how well they plan to implement that before we embark on anything specifically with them.

With Alico it is quite different. Control is so tight both by individuals and by institutional shareholders, and its visibility is so low, they have very little contact with the public generally, there is no way of developing specific public pressure, so I suspect what we will do is buy some shares of stock and then go to institutions like the Johns Hopkins Hospital and others like it, and ask them, as coowners of the corporation, what they intend to do. Will they join with us in some effort as coowners of the corporation, in some effort to reform Alico's migratory worker problem, or even more importantly, really, to set up Alico, perhaps because it is relatively new, as a model of the kinds of things a corporation can be doing, to begin to experiment with the sorts of things that corporations and their leaders ought to be trying out.

Senator MONDALE. Corporations are in business for a profit. These large corporate farms by and large are almost completely beyond the reach of modern unions, even though their corporate counterparts, industrial counterparts, have been unionized for 40 years or more.

I think it is fair to say that since unions have represented workers in industrial plants, wages have gone up, security provisions have been included, seniority protection, health and welfare protection, pesticide protection, retirement benefits. In other words, the workers who have obtained their own representative procedure and their own remedy have proven to be far better in protecting their rights than any of us have been.

Strangely, most of these corporations profit a great deal nevertheless. What has been unique is that the National Labor Relations Act does not extend to the agriculture industry, and we see many of these huge corporations now in agriculture that are far more like General Motors than they are like the small family farmer. Yet they are still beyond the reach of the normal labor-management laws.

Would you not think that perhaps the best remedy is to extend the National Labor Relations Act to such employee units and to accord them the same right to organize and bargain collectively, to strike, as is found in every other sector of American life? Wouldn't they then be far more able to assert their interest than otherwise?

Mr. MOORE. I think that the right of the farmworker to organize in a labor union, to form unions and receive all the other benefits, is a necessary precondition to anything else that can develop, both in developing an articulate farmworking community, to developing roots in a community, and other kinds of benefits that are important to them.

I think there are other areas both of legislation and kinds of programs that a corporation should get into. I don't know, for example, who is responsible for Maxey Quarters and the dilapidated quarters these people end up staying in. Is it the corporation's responsibility as opposed to the union?

If that is so, should the corporation be permitted to pass that cost on to the consumer? In some instances I think they might be able to. Or would the corporation start insisting on taxing the worker, the union, in the form of dues or something else?

I think there are all kinds of other problems that have to be anticipated in developing legislation for the farmworker, the very first of which is to allow them to organize and to bring those workers under the scope of normal Federal labor protection that is available to many other workers.

Senator MONDALE. It is not generally known that, among farmworkers, homeownership is very rare, simply because they are rootless. They have no way of being sure of jobs from season to season or from day to day, and therefore, the normal programs, even the self-help housing program, where they can build good, solid, sanitary housing for $7,000, is beyond their reach.

One of the few places I have seen this housing development, interestingly enough, is in California, where there have been union contracts entered into with the wine grape growers. As a result, these employees for the first time have job security, have seniority, and can make plans for their families.

That is why it seems to me that one of the key answers to this corporate responsibility problem in agriculture is the capacity of the worker to speak up effectively, to assert their own rights. I wonder if that is not a better long-term solution than what I gather is the part of your strategy, to prevent the real profiteers from ignoring their responsibility for what is happening.

Mr. MOORE. Our posture, which is to continually remind corporations that they do have a responsibility in these areas, does not mean to exclude some of the long-range goals that you have mentioned.

I would add that I think we all have a tendency, and have historically had the tendency to let the corporation have their mistakes and then try to cure those mistakes through some other route, rather than directly holding the corporation accountable for it.

I think some areas of accountability simply have to be explored. It is a very tough problem because I don't quite know, myself, exactly what form this accountability should take and how finally these corporations should be brought into line.

Senaor MONDALE. How long have you been studying Coca-Cola and Alico? How long did it take you to develop these figures that we have heard today?

Mr. MOORE. Back in May is when we looked into agri-business; at that time we were looking into businesses other than Coca-Cola. We in this part of the country had not realized that Minute Maid was a product of Coca-Cola, and Coca-Cola was all tied into the Florida citrus industry.

It was not until 2 weeks ago in fact that we heard about these hearings, and possible Coca-Cola involvement with the documentary, and we looked into Coca-Cola. It was extremely hard to pierce through these books. We have gone through, as well as we can, charts like those two up there for every corporation we have known about, United States Sugar, Tenneco, and others. It is extremely difficult to be able to go through these lines.

Senator MONDALE. Did you find them cooperative when you asked questions?

Mr. MOORE. Some are. Alico we have had no direct contact with. The Coca-Cola people, as you know, have initiated conversations with us. At the moment they appear open. I would just like to see their plan. I would like to see their own plan and their own program before determining how cooperative they really are.

Senator MONDALE. You are making a pioneering effort in seeking to unravel these conglomerates, trying to understand them, if that is possible. I think this is the first time the Migratory Labor Subcommittee has had any information like this, and this committee has been in existence for 10 years.

It is my impression, for example, that in the wine grape industry it was only when one of the big corporations that sell wine in this country became embarrassed over the conditions of the farmworkers who pick their grapes, that the union contracts followed.

That may happen with citrus, but I would hate to have this responsibility if I were president of the Baltimore Bank. I think I would feel a lot more comfortable if there were changes in the national laws permitting the union and introducing into this area the same labor-management concepts that we are used to elsewhere.

After all, this is pretty late in America's history to argue that unionization is a dangerous thing. I am personally convinced that if farmworker unions were organized, we would all be better off and we would have justice.

And the costs, if they were truly competing industries, would be the same.

Mr. MOORE. If you imposed it on all of them directly.

Senator MONDALE. Yes.

Mr. MOORE. Yes, we would have to do that. No company that we would single out, would be in an effort to single it out at the expense of others, but rather to try to develop models for others to follow. And certainly other legislation, that would apply across the board to all the companies.

Senator MONDALE. I think the key problem to pollution, for example, is that there is a lot of money in dirty water.

Mr. MOORE. There is a lot of money in cleaning out the dirty water.

Senator MONDALE. Not as much as there is today in making dirty water.

Mr. MOORE. That is right.

Senator MONDALE. It seems to me that when we shift the incentive so that you can make more money with clean water than with dirty water, they will find a way pretty fast to shift their emphasis; the same with air. And it is the same way with poverty. There is a lot of money in poverty, apparently.

You can get rich on hunger in this country. I don't mean that they make that deliberate choice, but that is the result of what is going on. It ought not to be possible to do that. The cost of a decent life ought to be incorporated in the price of every product. I don't think that is revolutionary in this day and age.

Texas passed a $1.10 minimum wage—you can't live on $1.10. Even if you get year-round employment, you cannot live on it. Many of them, I am sure, are not earning that kind of money and certainly don't have year-round employment.

In testimony this morning from Mr. Juarez we learned that he thinks things have been getting worse during the past 25 years.

Another thing, I am personally convinced that rural America has paid a big price for this strategy of cheap labor, for the money has gone elsewhere. If the citizens of those communities were making decent wages, the local stores would be doing better, public revenues would be more readily available, the schools would be better, and the other services that the community depends upon, which the residents have to pay for, would be far better.

I think it has been a very costly strategy.

I would hate to have to live with my conscience. I think this must damage them in a psychological way, knowing that people live this way. They know their responsibility. They pay a psychological price that must be enormous. As much as they might try to rationalize, there are very few human beings who can live with what they are doing to these people and can feel comfortable about it.

How else can you justify their going to these networks and asking them not to use the television documentary? If they thought they were so right, how come they did not want the folks in the community to see the show? It sounds to me like they felt guilty.

Mr. Moore. It seems to me worse than guilt. If they felt guilty, they would do something about it. Hopefully, guilt is sufficient motive to get them to do something about it.

Obviously it is not. What they are concerned with, by response to the NBC show, is something more than guilt: public pressure, new legislation, whatever else that might come.

It is too bad that guilt and those kinds of personal feelings are not sufficient to make those corporations and corporate leaders conduct truly responsible management. The most galling thing about the migrant worker, opposed perhaps to the pollution problem, is that it is so clear and obvious on the one hand.

It is so simple in one sense in its solution, when you talk about some of the superficial aspects of it anyway. The housing is terrible. They can go down there and look at it and see it is terrible.

It would cost Coca Cola a hundred thousand dollars, maybe, to fix up their housing to a habitable condition in all of the State of Florida, and they still have not done even that. It obviously will take a lot more than guilt to make these guys do it.

Senator Mondale. Very well stated. Thank you very much, Mr. Moore, for your most useful statement and for the appendices supplied, all of which will be included in the record.

Our final witness today is Clay Cochran, who is the executive director of the Rural Housing Alliance, Washington, D.C.

Mr. Cochran, we are delighted to have you here this afternoon. We wish to express our appreciation for the schedule complications created by your having to wait as long as you have.

I was told you were the first manager of the Weslaco Labor Camp.

STATEMENT OF CLAY COCHRAN, EXECUTIVE DIRECTOR, RURAL HOUSING ALLIANCE, WASHINGTON, D.C.

Mr. Cochran. Thirty-one years ago. And it sounds like things have not changed a bit in Weslaco.

Senator Mondale. That was built in 1939 or 1940. It opened in early 1940.

Was that a Federal program?

Mr. Cochran. Thte only thing approaching a decent farm-labor housing program that the country ever had was the old farm security migratory labor program.

Senator Mondale. That was a national program that went around building decent housing, decent by those standards then, for migrants. That is why we still see some of that housing in migrant communities that are uniformly dirty and 35 years old. It was built under that program; is that correct?

Mr. Cochran. Yes. Some of them were poorly constructed when they were first built, and 30 years has not done them any good.

As I will indicate a little later, it was a great program as far as it went and lasted about 10 years.

I am Clay Cochran, executive director of the Rural Housing Alliance.

Lee Reno, of our staff here, has been doing a study of the farmers home labor camp program. I thought we had our migrant housing coordinator here, Pat Sabelhaus, but he went to the telephone. Maybe he will show again.

I want to thank you for inviting us to be here, Mr. Chairman. We have watched your work with great concern and pleasure for a long time, because there do not seem to be many people plowing in this area except you and your subcommittee.

I am going to omit the reference to the Rural Housing Alliance, since, if I may, we will put the whole statement in the record and I will highlight it.

Senator MONDALE. We will include the full statement as though read, and you can summarize it, if you wish.

(The prepared statement of Mr. Cochran follows:)

STATEMENT OF CLAY L. COCHRAN, EXECUTIVE DIRECTOR, RURAL HOUSING ALLIANCE, WASHINGTON, D.C.

My name is Clay L. Cochran and I am the Executive Director of the Rural Housing Alliance. With me is Lee Reno, a Farm Labor Housing Specialist on our staff who has been making a study of the FMHA farm labor housing program. I would like to thank the Chairman, Senator Mondale, for inviting us here today to give what assistance we can to this Subcommittee.

The Rural Housing Alliance is a private non-profit corporation formed to help low-income rural Americans obtain decent housing. We do this by doing research, disseminating information and providing technical assistance and training. For the past several months we have been studying some of the problems involved in delivering decent housing to migrant and seasonal farm workers. Before discussing some of the findings of that study, I think it is necessary to offer some general statements so that the housing picture can be put in perspective.

I believe it is recognized by everyone here that the problems of farm workers cannot be solved by any one program. In other words, the lot of farm workers would not be greatly improved with higher wages alone, or by bringing them fully under the Fair Labor Standards Act alone, or providing them full Social Security coverage alone, by providing them Unemployment Compensation or Workmen's Compensation alone, or providing every farm worker with a decent house, or by insuring them decent medical care or adequate food alone. Not one, but all of these changes must be made before farm workers—migrant or seasonal—or fully employed year around—will have first class citizenship.

Therefore, housing is only one of many things which must be improved. I might add, however, that it is an especially expensive item. If adequate and decent housing could be obtained by farm workers for a sum they could afford, a great deal of their misery could be overcome. Health problems caused by lack of sanitary facilities, polluted water, and undesirable overcrowding could be alleviated, along with less spoiled food and more adequate diets, if one can assume that decent housing including a refrigerator. Enough studies and surveys have been made, enough hearings have been held, enough farm workers have died from diseases caused by their insanitary environment to document the tremendous need for improved housing. Traditionally, much of the housing used by migrant farm workers has been furnished by the growers who employ them, or they found for themselves, whatever housing was available near their jobs. [But these sources of housing (especially housing which is anything like decent) have dried up.] Generally, growers have never provided decent and sanitary housing for migrant workers. Good, privately owned housing is not available to farm workers when and where it is needed. In short, the private sector has failed to supply the needs of these or other poor people.

The blame rests on all of us, the community, the Congress, the President and the Bureaucracy for failing to make a full commitment to eliminate all substandard housing in the nation. Instead, the programs ostensibly designed to provide decent housing for low-income people have been little more than token programs. The leadership of this country has closed its eyes when the various

Administrative Agencies fail to perform because of insufficient funds, insufficient legislative authority, or intentional perversion of the legislation. But worst of all, the Government has perpetuated the myth that somehow, someday, industry and the lending institutions will and can solve the housing problem provided we furnish them a few, but uneconomical, incentives such as interest subsidies, insured loans, incentive grants and the like. Farm workers will get decent housing only when a comprehensive attack is made on the total housing problem for all low-income people. An all-out attack, with billions of dollars of direct government aid, will be required to put an end to the rural and urban ghettoes and company camps and towns which flourish today.

FmHA Farm Labor Housing Program

Let us look at the major federal government program ostensible designed to solve the farm labor housing shortage. In 1961, Congress amended the Housing Act of 1949, authorizing the Farmers Home Administration within the U. S. Department of Agriculture to make available insured loans at an interest rate of 5 percent. These loans could be made to farmers, associations of farmers, nonprofit organizations and States and their subdivisions for the purpose of constructing or repairing housing and related facilities for use by farm workers. From the beginning of this program through 1965 only 29 loans totaling 1.2 million were insured. These loans provided housing for 256 families and 816 individual farm workers. It was evident that insured loans alone, was not sufficient incentive to entice farmers and organizations to construct or repair the needed housing.

FmHA Changes in 1965

In 1965, Congress expanded the Farm Labor Housing Program by authorizing the Farmers Home Administration to make available *grants* to States and their subidivisions and to broad-based nonprofit organizations for up to two-thirds the cost of a rental housing project. The balance of the cost of the project could come from an insured loan. Although the grant program can be credited for increased construction of housing for farm workers the sad truth is that it is still not an attractive enough program to stimulate local organizations to use it. From 1962 through March, 1970, the loan and grant program has obligated just over $28 million ($16 million in loans and $12 million in grants). This money has produced just over 4000 units to house families and an additional number of units to house 3300 individual farm workers, meeting possible 2% of the total need. Only 26 percent of the funds available for loans and 74 percent of the funds available for grants was obligated.

Why Failure?

Several things account for the failure of this program. First, even with a grant of two-thirds of the capital cost of a project, the subsidy is not deep enough. It is practically impossible to adequately operate and maintain a project on rental income that farm workers are able to afford and still repay a third of the capital cost. One need only look at the experience in the field of public housing to see that even with a capital cost subsidy of 100 percent, rental income is often inadequate for operation and maintenance. So, from its inception, the present farm labor housing program was doomed to failure because it did not provide enough subsidy.

Given an inadequate piece of legislation and an agency which for a number of reasons is unable to administer it efficiently, the results could hardly have been much. It is not my purpose here to fault the Farmers Home Administration, for the basic blame lies with the legislation itself. However, it is necessary to describe the problems the program has had in that agency. First of all, FmHA is incredibly understaffed to handle properly all of the programs it has been assigned and the Farm Labor Housing Program has a very low priority. In 1969, its biggest year, expenditures for Farm Labor Housing accounted for about one-half of one percent of the total operation of the Agency. No formal lines of responsibility exist for the administration of this small but important program except that it is grouped along with other housing programs within the Rural Housing Division.

The application process for a labor housing loan and grant is a lengthy and complex thing, requiring sophisticated documentation of need and a plan of operation. Often local organizations are unable to untangle the process and are intimidated by it so that they do not apply. Farmers Home Administration's County Offices are often so overburdened with work and inhibitions that they are unable or unwilling to encourage applications and assist in the application process.

The Farmers Home Administration has no funds for research so grants and loans are not necessarily made where the need is greatest. Overall need is not known and decisions on applications are made on an *ad hoc* basis from information furnished by the applicant and supported by FmHA County personnel.

Only 16 organizations have received grants since the inception of the program. Of these, only three have received maximum grants (two thirds of the cost of the project) and only two others have received grants exceeding one-half the cost of the project. For the other projects, higher grants could have resulted in lower rents for the tenants. Rents are generally over $50 a month plus utilities and in at least one project, rent is $85 a month plus utilities. The House Appropriations Committee has voiced its opposition to grants exceeding 50 per cent of the cost of Farm Labor Housing projects. The fact that Farmers Home Administration has limited the majority of its labor housing grants to that level or below, doubtless reflects FmHA's deference to the power of the Appropriation Committee.

Recently, the Farmers Home Administration limited eligibility for grants to public bodies purportedly due to its bad experience with repayment by other types of sponsors. By doing this, it ignores its statutory authority for making grants to broad-based nonprofit organizations. This severely limits any expansion of the present program since in many areas where there is a need for labor housing, public bodies do not exist which are willing to use the program. Of the 16 organizations which have received grants, six of them are private, nonprofit organizations and the rest are public housing authorities. It should be added here that these nonprofit organizations are not broad-based in the sense that they adequately represent the entire community. Rather, they generally consist of local farmers, growers associations, businessmen, and local governmental officials. Churches, poverty agencies, and most important, farm workers themselves are not represented. Groups representing these later organizations have become increasingly interested in participating in the program but are now excluded because of the recent Farmers Home Administration ruling.

The Main Problem is Legislation

Again, I wish to emphasize that the major reason for the failure of the program lies in the legislation. It places the decision making power as to whether to build farm labor housing in the hands of local individuals and organizations and excludes farm workers themselves from the process. Thus, if there is no local initiative the farm workers must suffer and the Federal officials can do little if anything, except to obscure the reasons for failure. In the 1930's and early 1940's the Farm Security Administration assumed the responsibility for meeting the needs of hired farm labor within the funds available. It undertook to ascertain the need, administer, and subsidize the housing it constructed. In six years it furnished enough shelter to house 19,000 families. The present program is far more limited and the hands of Federal officials except for veto power—are firmly tied.

Farm Labor Housing in Florida

On July 16, 1970, NBC aired on nationwide T.V. a documentary entitled "Migrant—NBC White Paper". In part, it showed the wretched housing in which farm workers in Florida must live. In the film an official from a Public Housing Authority told much the same story about housing programs for migrants that we are telling today. It is ironic that the documentary exposing lousy housing was made in Florida where more Federal money has been spent for farm worker housing under the FmHA program than in any other State. In fact, organizations and individuals in Florida have received over $14 million, or 51 percent of all Farm Labor Housing loans and grants since the inception of the program. Nearly 2,000 family units (50 percent of the U.S. total) and units for over 1,600 individuals (49 percent of the U.S. total) have been built for use by Florida farm workers. Half the total of a totally inadequate program leaves housing conditions still deplorable. Expenditures in Florida under this program not only are the highest of any state, but represents the highest expenditures per capita of farm workers. Even so, expenditures add up to a pitiable $85.35 per worker over a period of nine years, or less than $10.00 per worker per year. Given this level of responsibility in Florida—which ranks first—one can imagine how much more is required in other States.

The Florida State Office of Economic Opportunity tells us that there are still 332,403 substandard houses in that state. There are 17 counties where substandard housing comprises more than 40 per cent of all the housing. I might add that the term "substandard" is a bureaucratic euphemism for the type of housing shown in the NBC Documentary.

In a study done last year by E. John Kleinert of the University of Miami, housing for migrants was surveyed using a sample of over 9,000 migrants within the state of Florida. This survey indicated that 5 per cent of the houses did not have electricity, 31 per cent did not have a working sink, 18 per cent did not have screens, 41 per cent did not have a functioning toilet, and 42 per cent did not have a shower or tub. Moreover, the survey showed that the average migrant family had five members and lived in a three room unit.

Who is the oppressor here? Who is responsible for this tragedy? It must be the Federal Government for it is the only institution with the power and the funds to solve the problem. We believe that Congress has the responsibility for seeing that a comprehensive program to provide decent housing for farm workers is initiated. For it is the body that controls the authority of administrative agencies; it is the body that controls the purse strings; and it is the body that can establish the watch-dog committees to see that an effective program is carried out. Congress need only look back at the programs it has already enacted for providing farm labor housing to discover what direction it should take in establishing a new, comprehensive program. Congress should realize that a passive loan and grant program (at least one not deeply subsidized) like the present FmHA Farm Labor Housing Program cannot work effectively. It should realize that labor camp code enforcement program is not enough (though needed). For guidance, Congress should look at the Camp Program administered by The Farm Security Administration in the late 1930's and early 1940's. The lesson to be learned there is that terrible conditions existing in the 1930's for farm workers were not significantly different, in a relative sense, than they are today. It required direct action on the part of government then: it requires the same today.

Title III–B—Office of Economic Opportunity

In emphasizing the shortcomings of the FmHA farm labor housing program, Mr. Chairman, we do not wish to overlook the operations of OEO in the field of Farm Labor Housing. We do not have much detail on the extent to which OEO's legal services have been able to put resources into working toward solutions of this problem, but we know they have been active in several states and that additional funds should be made available for this purpose. They can be helpful in many ways, from knocking out the unconstitutional barriers erected around public housing in California to the enforcement of health and sanitary laws and regulations, and the protection of workers against the plethora of ills which any group of poor people suffer who do not have access to socially oriented legal council.

Directly, OEO's contribution to the solution of the housing problems of hired farm workers has been almost wholly the result of the operations of the Migrant Division funded under Title III B of the OEO Act. With only about 1 per cent of the total funds available to OEO, the Migrant Division has pioneered in the development of self help housing in this country, leading to congressional authorization of the present FmHA land revolving and sponsor grant fund programs. In the last 5 years the migrant division's activities have resulted in the construction of *about 1,200* homes under the self help program using FmHA loans for financing (the number includes those completed) which is equal to 25% of those constructed thru the FmHA labor housing program. Under this program a family gets to own a home for 25 to 40 percent less than the same home would be available for on the private market. In effect this means that the family *gets* a decent home because they could not afford anything like the same house, if any, without the self help program.

The Migrant Division has also moved into the area of attempting to establish rental and other housing, possibly including self help housing under the Turnkey III program which would enable an agency to reach very deep into the lower income groups. With funds available, it is the migrant division which might well move most effectively into an advocacy and coordinating program which could encourage more action on the part of state and local government in farm labor housing.

The Migrant Division of OEO is the closest thing the Federal government now has which concerns itself with the housing problem of hired farm workers. The problem is the penny ante funds available under Tilte III B and the failure of OEO as an agency to lay down a clear policy on housing for low income people.

We are convinced, Mr. Chairman, that whatever the migrant division has been able to accomplish with its limited funds and staff is very directly related to the fact that it has been and remains a national program. We are very concerned about the recent rumor that OEO is contemplating regionalizing the migrant program, and we hope you and the Congress oppose any such plan. If there is anything we know about a program dealing with hired farm workers, and particularly migrants, it is that when the problem is turned over to regional state or local groups without overall Federal leadership and controls, the vested interests emerge triumphant, actually or by exercising a veto power over anything creative and progressive.

HUD and Rural Housing

There is little point in discussing HUD and housing for hired farm labors, as it is difficult enough to get HUD into the rural housing program at all, without bringing in the complication of narrowing the focus to hired farm workers.

With the exception of public housing and possibly one or two sections of the newer legislation, the HUD agencies are not going to deal with hired farm workers under existing structures and law. We are hopeful that a re-invigorated public housing program, including Turnkey III, can be used to assist in housing farm workers. In general, however, we think it is going to take a new kind of public housing program, and possibly a new farm worker housing agency to get the kind of action out of public housing which farm workers have a right to expect. Here again, the Federal government have established programs and left states and local governments a total veto power over whether their low income citizens benefit from Federal legislation. We think this is bad government.

We are convinced that HUD has authority to fund self help housing projects, but so far their lawyers are busy exchanging memos on the matter and we await some weighing of the poundage of verbosity to bring forth a decision. Under Section 160(b), if HUD would get about the task of funding self help housing, coupled with the Section 235 interest subsidy program, they might make a very considerable impact on the farm labor housing problem. The "might" however is a big word because HUD's finances originate with private money lenders and as our letter to the Chairman recently indicated, those lenders are not enthusiastic about marginal credit cases. Outside public housing, we doubt that HUD has much of a potential for solving this problem under existing legislation.

No existing agency of the Federal Government is currently capable of administering a comprehensive program to improve the housing conditions of all farm workers. Historically, the two major programs (FSA Camp Program and FmHA Farm Labor Housing) were placed within the Department of Agriculture. But the provision of decent housing for farm workers can no longer be considered an "agricultural problem." It is a human problem. It requires an agency whose primary function is meeting the housing needs of farm workers and not the needs of farm owners. One hesitates to advocate that it be made a part of a larger, comprehensive housing agency as the record of subordination of measures to improve the lot of farm workers when included in broader groupings is all too clear. Thus, for now, a new independent agency is required, freed of the shackles of myths and prejudices that have kept the farm workers the most poorly housed of any group of workers in the country.

The new agency should be authorized to do a complete survey of the need for farm labor housing. This survey is not to be just another study of the deplorable conditions of farm labor housing; but a program survey upon which the agency will decide where the housing will be located and how much and what type it will be. Such a survey should discover where new housing should be located what type of housing is needed, what effects mechanization will likely have on the need for a large farm labor force in all locales, and the possibility of diversification of the existing farm labor force into the general labor market. In addition, it should discover the extent to which existing local institutions are capable of receiving large Government subsidies to provide housing for farm workers in a manner compatible with overall needs of farm workers.

The Agency shoud be authorized to provide total financial assistance for the planning, development, and construction, purchase, lease or rehabilitation of the needed housing and related facilities in any area for use by farm workers.

In addition, the Agency should be authorized to provide supplemental funds for operation and maintenance when project income is insufficient to provide for it.

In most cases, permanent housing, capable of year-round occupancy, should be provided, Housing of this type should be considered even in areas where most of the farm workers are migrants, in an effort to eliminate the need for traveling long distances.

In areas where it is considered totally impracticable to build permanent type structures because of (a) very brief periods of occupancy, (b) a rapidly declining need for farm labor (c) a foreseeable end for the need of farm labor and (d) a showing that permanent housing is not needed for other low-income persons in the immediate future, temporary housing should be provided. Such housing should include adequate space for the occupants, indoor plumbing, cooking facilities, furnishings, and recreation areas. Whenever possible, it should be designed so that it will have some future use to the community in which it is located.

Institutions eligible to receive Federal funds to provide housing and related facilities for farm workers should be States, public organizations within States organized specifically to meet the needs of farm workers, and private, non-profit organizations of farm workers. Where no State, public or private organization makes application for funds within a reasonable time after the Agency has documented the need for farm labor housing within a state, or portion of it, the Agency, itself, should have the authority and obligation to develop, construct and operate the needed housing.

The Agency should make available a number of alternative programs similar to those in existing Public Housing legislation. Thus, in addition to funding the development and construction of new projects, the Agency should allow for the purchase of existing housing for immediate occupancy or for rehabilitation; the purchase of new housing from private developers after it is completed; and the leasing of housing. Rents for the housing should be based upon the tenants income, based on a sliding scale up to 20 percent (the lower the income, the lower the percent of income for rent). In all cases, the tenants should be given the option or having a portion of their rent (in the case of permanent year-round dwellings) go into an "equity fund" for the eventual purchase of the house.

The Agency should be appropriated funds for the purpose of training all managers of projects to enable them to efficiently operate the project and to be sensitive to the needs of the tenants.

Each project should have a tenant's council, democratically elected, to advise the management and assist the organization in setting local policy. An appeal apparatus should be established, with the Director of the Agency as the final arbitor, to settle differences between the tenant's council and management and local organizations.

The agency should be authorized to exercise the power of eminent domain in areas where building sites are not readily available.

The Agency should make available to applicant organizations planning services and technical assistance in order that all housing needs might be met in the local area.

The Agency should be authorzied to preempt local zoning regulations and building codes in appropriate circumstances.

The Agency should be authorized to enforce a strict national code concerned with housing provided for farm workers who travel across states lines, or housing used by farm workers which is owned or operated by or for the benefit of growers or corporation farms engaged in interstate commerce.

Permanent housing should not be built in a compound or labor camp type setting. Rather, scattered sites should be used, or at the very least, subdivisions should be developed. Sites should be carefully selected, to provide for integration within the existing community and proximity to existing jobs and community services.

Finally, the Agency should be authorized to make payments to the local governments and school districts for any increased burden on services rendered by them caused by the location of housing for low income persons in a particular area.

These are some of the measures, then, that must be taken if hired farm workers are to be decently housed this side of heaven. The persons that need the help are nearly powerless. If many of us hope that farm workers themselves, currently engaged in the process of awakening to their own potential strength will soon be able to exercise self determination. But until that potential strength becomes reality, and until this discrimination ceases, dilapidated housing, ill-health, pollution, disease, lack of equal opportunity and the shame and degradation of farm workers rests on the conscience of the total community and makes the moral pretense of this country ugly and hypocritical.

Mr. COCHRAN. The Rural Housing Alliance is a private, nonprofit organization that has been trying to do something about bad housing in all the small towns and rural areas, because two-thirds of the bad housing is there and most people, when you tell them that don't even believe it, because it has been something that has been so well concealed.

I want to make it clear that when the representatives of the union and others were speaking this morning, saying that the most important thing for farm workers is unionization that we certainly agree to that—but it is going to take a lot more than unionization a lot faster to do anything for a lot of the people who are out there.

But we do not want to be put in a position of doing anything but saying "Hurrah" when they say that Christian paternalism and public concern are no substitute for putting enough power in the hands of the people out there to do something for themselves.

These hearings remind me of old Mr. Peacham in the "Three Penny Opera" who said, patting a huge Bible "This is a great book full of great slogans, but people being what they are, the best slogan won't last more than 3 weeks."

From the "Grapes of Wrath," to the old Melvin Douglas group, that exposed this in the thirties and forties on through "The Harvest of Shame" and all the work of this subcommittee, the horrors that are brought out seem to last about 3 weeks. And then people forget it. The only people who will not forget it are those out there with the cockroaches. And there, of course, is where the power has to be put.

I hope that is going on at a rapid pace. But apparently it is not, not in Florida. We need to do something from where any of us stand, to do anything we can on workmen's compensation, housing, and so forth.

Our concern has been housing. I don't believe, despite what I am going to say here and what is in the written statement—I don't believe we are going to do much for housing for hired farmworkers until we do something for housing for all the low-income people. I don't believe that this Congress or any of the administrations that I have known lately are going to really get behind a special program focused on hired farm labor. I think it has to be part of a bigger thing.

Yet, when you are confronted with it and asked what can be done, one comes up with a program and says, "Just in case you don't know what is needed, we will tell you." But we still think it is going to come up as a part of the broader program.

One Senator asked me last week in another hearing, shouldn't the farm operators provide the housing?

My response basically is that I don't think they will, and I don't think they should, because they build company towns.

The next question, if we get a decent welfare program, can they buy decent housing? Not under any welfare program I see coming up. The housing is not there to be bought. It has to be built.

If we succeed in getting through some welfare reforms and getting assistance out there, all the poor people can do is bid up the price of the houses with a few less cockroaches in them, unless we do something about building.

So far, we have been remarkably clever people on closing our eyes to this and in maintaining the myth, both in the area of farm labor housing and other low-income housing, that sooner or later, some way or another, the free enterprise system and the market, with some insured loans or this or that gimmick that comes along, are going to take care of this problem. They are not. It is going to take a massive input of Federal money directly to do anything about housing of farmworkers or any other poor group.

The point you touched on, Mr. Chairman, the old farm security program, I think is worth touching on, because by contrast with what we have and in terms of where we ought to be going, it is important.

It started when the Dust Bowl immigrants hit California in a flood in the thirties and were piling up in the ditch banks in even larger numbers, and the children were starving, and there were enough of the Steinbeck types who were exposing this to view that even in those grim depression days, there was some public concern, and there was an ear in Washington, there was even an ear in Sacramento at the time.

The California Welfare Department started those old camps, and resettlement picked up the program. First they were nothing but platforms with tents and sanitary facilities and telephones, where you could call a doctor—and some grant money for food and medical care.

As the program evolved, it came under attack every year in the congressional committees and on the floor; charged with everything from unionization of farm workers to Communism (Senator Russell even condemning them for subsidizing the big corporations by housing their workers). Nevertheless, it evolved in to a pretty remarkable program. In the latter days the camps, so-called, that were being built were very well planned communities, with circular drives, community centers for recreation, for meetings, for nursery schools, which we did operate in them, a clinic, which was staffed full-time with a nurse, and by contracts with doctors in the area.

In the Southwestern area, the greatest medical co-op the country has ever had for low-income people operated with funds from Farm Security. They covered three States there. They built their own hospital.

Senator MONDALE. I remember Steinbeck's Grapes of Wrath, where the children talked about Government camps, the relief that those children felt when they finally got placed in one of those camps. In those days in the midst of all that devastation, they must have been quite remarkable at that time.

Mr. COCHRAN. They were really sanctuaries. As a camp manager, I had the authority of a Deputy U.S. Marshal. And, among other things, I stopped the Chief of Police of Weslaco from coming out and collecting for the loan sharks by telling him that I would throw him in jail, so far they would have to pump sunshine to him if he showed up again, because the camp was not even in the city of Weslaco. Nevertheless, he was still collecting for the local loan sharks.

There were relief funds available and medical care. There was a place where they could get together. Those camps were run by an elected council. They even had their own judiciary, which used to sit in their overalls and hand out work sentences for people who dirtied up the garbage racks.

That program was wiped out by the Farm Bureau Federation in 1947, moving in the background all these fine agri-business forces, who feared most of all that the farm workers would organize out of the camps, although they had not. But, also, they set a bad example for the community. They were a pain in the psychological neck of agribusiness.

I don't believe these people suffer so much from guilt as uneasiness that something will happen to the racket.

In any case, Congress abolished the program, turned the camps back in some cases to the local housing authorities, and in some cases to grower associations. And the program was eliminated. Two years after that the Congress passed the Housing Act of 1949, but farmworkers don't show up in it.

Senator MONDALE. The Weslaco Camp and others like them were paid for with 100 percent by Federal money, were they not?

Mr. COCHRAN. The land, the buildings, the medical care, the staff were all Federal in all cases.

Senator MONDALE. When these buildings were sold, I assume that a county or some operation bought them rather cheaply at that time.

Mr. COCHRAN. So far as I know, they were turned over without cost.

Senator MONDALE. Free?

But the local agency then has continued to charge substantial rents, even though they got the camps free. It has been, I would gather, a major revenue producer for some of these counties.

Mr. COCHRAN. Possibly. Assuming they have maintained them the way I think they probably maintained them, they were revenue producers, meaning they have not maintained them. But if you are maintaining decent facilities, which are as over crowded as the Weslaco Camp was, for poor people, a lot of whom are transients, the cost of maintenance and care is going to be considerable.

That is the reason that the Farm-Labor Housing program we have—and even to some extent the one prepared in your and Senator Hart's bills providing for a 90-percent subsidy—are deficient because people that poor cannot afford to pay enough to cover maintenance and operation and defray any capital cost. The subsidy really ought to be as much, as we point out in our written statement, as much as we give public housing, that is, 100 percent of capital cost plus a part of the cost of operations. Otherwise, you deny the neediest people admission. Or, alternately, you gouge them for money, which they have to take out of shoes and medical care and the other necessities of life.

For 12 or 14 years after that program was eliminated, the Congress did nothing. Then in 1961 it passed legislation which permitted loans at 5 percent to associations of farmers and other nonprofit organizations, States, and subdivisions.

Under that program, practically nothing happened. There were 29 loans in 4 years to house 256 families and 816 individual farmworkers. The program wasn't working.

In 1965 the law was amended to make possible grants up to two-thirds of the cost of the project, and the balance of the cost to come out of insured loans. But this was still not an adequate program, particularly since the Appropriations Committees immediately ruled that the grant should not be over half. Farmers Home Administration knows where its bread is buttered, and I don't think they have funded five projects where they allowed more than half the cost through grants.

In March of this year the loan and grant program had obligated just over $28 million, $16 million in loans, $12 million in grants, and has produced the magnificent total of 4,000 units to house families and barracks units for 3,300 individual workers, very generously, as we computed yesterday, 2 percent of the total need.

At the same time, Farmers Home only put out 26 percent of the funds it had available for loans and 74 percent of the funds available for grants. Even with this drop in the bucket, the money did not go out.

The question is, "Why?"

In the first place, the subsidy wasn't deep enough. Groups that wanted to do it couldn't make the books balance. They could not prove that the thing was practical without greater subsidy.

In the second place, it was given to an agency which had pretty well deteriorated in the 1950's, was short handed, understaffed.

The Congress began to dump additional increments of programs and new programs on Farmers Home. This is a hard program to administer. It is a controversial program to administer. It is a complex loan to put through. And the program didn't get very far.

On another occasion, I would like for the committee to bring the State director of New Jersey in here, if the record does not already show it, to tell what happened when a Farmers Home supervisor spent 2 years trying to set up a migratory labor camp in New Jersey, thought everything was set to take care of several hundred families, and suddenly the middle-class community says, "We don't want them to live there."

They were already living in hovels and shacks, but they did not want to recognize them enough to create a decent community. This bias runs across the land. This is one of the reasons why I don't think local communities left to themselves are going to take care of this problem. It will take a Federal agency that can say to the local community, "We will pay the cost for you. We will pay the cost of the impact on the community, providing decent schools. But if you don't do it, we will do it for you."

It is going to take something like that to make it work.

During all these years, Farmers Home had no funds for research. The old Farm Security used to have a fair-to-good research department. We knew where the migrant streams were and where the concentrations were and where the housing was worst. We had a pretty good picture of what was going on in the field.

I am sure there is nobody in the Farmers Home Administration today that knows that because they have nobody assigned to it. So they do it on an ad hoc basis from the information furnished by the applicant.

Only 16 organizations have received grants since the inception of the program. The rents are generally over $50 a month plus utilities. At least one project is $85 a month plus utilities.

Recently, Farmers Home had such bad luck with nonprofit bodies that it announced it would not make grants to any more of them. It would only make grants to public bodies.

Not much of a program. Although there are two great things in the bill that was put in last week, one increases the subsidy, but not enough, and the other authorizes Farmers Home to lend that money to organizations of farmworkers themselves. If farmworkers could receive, not 90 percent but 100 percent of the cost of housing, they could build communities, and we might see something happen in some of the areas of the country.

The main problem on the existing program is legislative. The law was defective. The agency was undermanned. The Appropriations Committees inhibited the agency, and they knew they were operating like a poor country bank under the surveillance of the Subcommittees on Appropriations and of Agriculture, knowing they had better not get in trouble subsidizing farmworkers.

With reference to the migrant NBC white paper, sadly enough, in Florida, organizations and individuals have received over $14 million under this program, which is 51 percent of all the farm labor housing loans under the program. Nearly 2,000 units, 50 percent of the U.S. total, have been built.

In other words, half of the total of a totally inadequate program leaves housing conditions still deplorable, which should not be surprising.

Since I saw a press release from one of the Coca-Cola front groups, giving these same figures here, I will point out that over a period of 9 years, the life of the program, the average per worker outlay is $85.35 or less than $10 per worker per year; $10 per worker. That would not supply the kids with the caffeine they get out of Coca-Cola, let alone housing.

Incidentally, why could you not legislate and prohibit any corporation selling drugs to children from owning agricultural land? That might take care of one problem.

The Florida State OEO office says there are still a third of a million substandard units in the State's 17 counties, where substandard housing comprises over 40 percent of the total.

Professor Kleinert of the University of Miami, in a study of 9,000 migrants, came up with such figures as you can imagine. I will leave them to be read into the record.

But 41 percent of them did not have a toilet that would work, and 42 percent did not have a place to take a bath.

No wonder that kid in the documentary, stood and shuffled his feet in shame and described himself as a bum. He probably went to school dirty or ragged and then slugged the first kid that said something to him about it.

One has to talk about nailing down the responsibility for this. In our society you can talk about the growers being delinquent and the corporations being greedy, but when it comes to law and order in the community and some sense of justice, the responsibility is right here.

The buck has to stop somewhere, and the Congress is the place that it ought to stop.

If Coca-Cola is getting rich out of lousy housing and low wages, sure, they may go to bed uneasily at night, which I doubt, or load the plate down a little more on Christmas gifts, which I doubt. But that is not going to solve the problem. The problem has to be solved by the Congress making resources available to take care of the problem. It doesn't matter whether the grower's conscience is guilty or free. They can't do it. This is what we have been up against for years.

In OEO there is another drop in the bucket on farm laber housing. As a matter of fact, when you combine the housing on the west coast the Migrant Division there, which has done most of the housing in OEO, with some of the better units, the self-help program, it looks like they have done something like half or better than half as much with their limited funds as the Farmers Home program has done in 9 years.

I repeat, it is a drop in the bucket. The Migrant Division gets less than 1 percent of the total funds in the agency. In case everybody does not know it, that division was created by putting a law which this subcommittee had worked on into the OEO bill. We were very hopeful that at least we had legislation and a nice brand new agency that was going to take out and do things.

Sargent Shriver said, "We will start with $15 million the first year and raise it to $300 million the third year. And we will get the agricultural workers out of poverty."

I don't think they ever got above $33 million. That was 1 year. And they were cut back to $25 million. With this, they have been doing daycare, education, economic development. Some housing, what they have done, is great (They have pioneered on self-help, and Congress put that into permanent legislation, which Farmers Home is now supposed to be administering.) But the Migrant Division has not had the funds to do things.

If the Congress is looking for a place to dump a few hundred million dollars worth of conscience money for some quick subsidies for housing, it might take a look at what is left of the war on poverty. At least the Migrant Division of OEO is the closest thing to an agency in the Federal Government today that is concerned with the plight of the hired farm labor.

I have never been able to find anybody in the Labor Department who cared. Individuals, sure. But try to get the Labor Department to look into this problem. I tried. I found that the vice president of a Chicago pickle concern showed up as the executive secretary of a family farmers labor committee during the summer. He would rest himself in Chicago in the winter and play family farmer in the summer. But he still drew his vice president's salary.

I asked the Labor Department under Mr. Goldberg, "Look into this, how much of this hanky-panky goes on. What looks like some family farmer importing Mexican workers from Texas is actually a Chicago pickle corporation. See what the lines are."

I don't know what they were busy at, but the Labor Department has never been very profarm labor. It is usually busy with something else.

Before leaving the OEO program, Senator, I would like to stress one point.

The Congress stipulated that the migrant program was to be a national program. They weren't to hack it up and turn one piece over to Coca-Cola and another piece over to Governor Kirk. But there is a rumor that the new administrator of OEO is contemplating regionalizing the migrant program.

We hope that you and the Congress will oppose any such plan, because it means whatever good they are doing now will cease.

The migrant problem is not a local problem in terms of its solution and the resources to do something about it. If it is regionalized, you might as well cancel the program and put the money over in the Pentagon or somewhere where they know how to spend it.

To touch for just a minute on HUD, I don't see anything you can do about HUD on farm labor housing until you can persuade them to get interested in rural housing. So far, we have not been able to get them interested in the broader problems where two-thirds of the bad housing is.

I don't see how you can get them much interested in a narrow and very difficult segment of that problem until their general attitude on rural housing changes.

Under the turnkey III program, if you had some provocateurs or somebody out there to stir the local housing authorities, offer some leadership, hold some field hearings, tighten up in some way on housing inspection, turnkey III would be a great program in public housing for farmworkers, with or without self-help. But we don't see HUD moving in that direction.

HUD is so overwhelmingly metropolitan oriented that it is difficult to get them to even think about the problem out there in the small town and rural areas.

Section 106(A), in which I think you had a hand, authorized them to sponsor self-helf projects. FHA picked up several bucks to staff themselves up for something else. Until you called attention to it in May, nothing had happened.

I don't think you have heard from them yet. The lawyers are still exchanging letters over there as to what the meaning of the section is.

Senator MONDALE. I had them over here the other day—a remarkable nonprofit group working in a deteriorated section. They are doing it all on their own—a remarkable group.

They have a very flexible program of rehabilitating rental housing under 235. They have sat on 106 applications now for a year for some 235 housing.

I called them over. I said, "Where is that loan?" It is something like $17,000. I think we spent $50,000 in processing letters, and so on.

Mr. COCHRAN. The lawyers' letters, you mean?

Senator MONDALE. That is right. "Well," he said, "as you well know, 106 was not intended to buy 235 housing."

I said, "Hell, it is my bill, 106."

He said, "I never heard of that. That is in our regulation, Thank you very much, but we never do it."

I said, "We passed the bill. So that suggestion is illegal that you have here. Don't ever let me hear it again."

Mr. COCHRAN. I will touch very briefly on the recommendations that we spell out in our written statement. We suggest the Congress setting up some kind of new agency giving this as a sole responsibility.

If you give it to HUD, I am afraid the lawyers will use it up in writing memos to each other. The agency is not bent in that direction. If you give it to Farmers Home, they will have to go to the Agricultural Subcommittee on Appropriations for money. And I tell you, they won't get it.

It should be an independent agency. It should have money for research. It should have the authority to provide 100-percent subsidy on capital costs and require decent planning and integration in the community, so that you are not building company towns or fenced ghettos. It should stress permanent housing whenever possible.

And there are ways of building seasonal housing so that if there is a diminishing need for seasonal labor within the community within 3 to 5 years, by unlocking the door or knocking down the wall, you can convert it into a pleasant permanent house. What is needed is an independent agency with funds to go out and do the job and do the research, subsidize the rent, integrate them into the local community, see that they are governed by camp council, see that the people who occupy them have the right to be heard on the rules and regulations. This way we pick up where we left off 30 years ago on at least part of the problem through a specialized program.

The rest of it is going to have to be met through stepping up the public concern over the general housing problem in small towns and rural areas and, in the process of meeting that overall need, building enough subsidies to take care of the needs of hired farmworkers.

We are very grateful for a chance to appear here, Mr. Chairman.

Senator MONDALE. Thank you very much for your written statement and for your oral comments.

You have spent your life in this business. I imagine you have sat in on some of these hearings. If you were to do one thing, you had your wish, which you felt might bring some hope to the farmworkers of this country, what would you do?

Mr. COCHRAN. I would give them coverage by NLRB.

Senator MONDALE. What is the second thing?

Mr. COCHRAN. Well, 5 years ago I would have given them the war on poverty. But I will take it back now and not charge it up to them.

Senator MONDALE. They might give it to you.

Mr. COCHRAN. I am caught here on structuring. What you want to get done is so much involved and affected so much by the structure that you build around it, and the bureaucracy you establish, and the number of vetoes that you will allow the local communities to exercise against it.

So you say, "Give us a decent migrant health program, and give us a real farmworker housing program in an independent agency, so that with some unionization, with some decent medical care in the meantime, and some kind of a house that has a clean source of water, and the kids don't have to wallow in the worms in the yard, we can make do while we make the broader approaches."

The result is that we create the mirgant health program. Immediately the bureaucrats want to swallow it up and put it over into something where it disappears. Even OEO has not been free on this. You give them money for migrant workers, and too much of it gets eaten up by nonmigrant workers.

You gave farmers home housing money—in that case, though, basically it was Congress's fault. But medical care, housing, union recognition. Of course, the others all follow. But those are the three that it seems to me are the most essential things, not only for the children but for their parents.

Leon Kyserling said a few years ago, "Don't kid yourselves. There is not much you can do for the children of the poor unless you are willing to do something for their parents at the same time.

Senator MONDALE. What would you think of an adequate program of income maintenance, family-assistance program, as a strategy?

Mr. COCHRAN. I think that would be great. They say the average earnings were $900 a year; $1,600 would seem like heaven if you did not cut off their food stamps.

Senator MONDALE. We talk about $1,600 plus food stamps. That would amount to something like $2,200. For the average migrant, $2,200 a year would be tripling of income.

Mr. COCHRAN. That would be wonderful.

Senator MONDALE. You have lived with these programs for 30 or 35 years?

Mr. COCHRAN. Yes, but income maintenance won't build housing, Senator. The housing is not there. The housing is not there. They will just bid up the price of those rattraps.

Senator MONDALE. If you had that, then housing solutions might be easier. That is, if you had a good housing program——

Mr. COCHRAN. They wouldn't be harder.

Senator MONDALE. There would be some money there at least.

Mr. COCHRAN. Yes, of course. But we would not want to take it back by rigging them into an $85-a-month house for the $2,400-a-year income.

Senator MONDALE. I think the President, perhaps inadvertently, has offered us a program (FAP) that really deserves more support than it has received, though we would want improvements. It needs to be fixed up.

But I think there is a basic argument for giving the poor enough money for a minimum decent life. I think they can do better for themselves than we can do for them.

There may be lots of shortages, like housing, where you have to act. Otherwise, the money is lost.

Mr. COCHRAN. I would go with you, unionization and income maintenance. I was thinking more of the traditional programs. No question about it. A little cash.

Senator MONDALE. We spend something like $8,200 a year for every Indian in this country. But the Indian's income is $1,400 a year. Somebody is skimming.

If you just closed everything down and sent them the money, they would be the richest sector in the American population.

Mr. COCHRAN. I am not sure, because I don't know how much of that $8,200 a year goes for policing the land they have leased out to big Anglo ranchers or paying for their own police. They pay for their own police forces and road maintenance and schools in some areas, don't they? So I have never been sure that that $1,400 figure was convertible into the $8,200.

Senator MONDALE. I think it is fair to say it is an exaggerated figure, because there are services being offered of value which are not reflected.

Mr. COCHRAN. But it has to be paid for by somebody.

Senator MONDALE. I have been dismayed to see that our first solution for virtually all of our human problems is to tool up by hiring a bunch of middle-class Americans.

Mr. COCHRAN. In Fauquier County, a few miles from here, the other day the head of their planning commission said they were opposed to building any house that cost less than $40,000 in the county, because any houses that cost less than that would not pay enough taxes to defray the cost of public services and they would have to tax the other rich people more to take care of the people who lived in the less-than-$40,000 houses.

I don't know what is built into their cost figures, either, but somebody has to pay for it. I don't know. I hate to get in a position here of defending BIA. I don't know how much of that $8,200 goes into what we all agree are essential services such as police protection and that sort of thing.

But it is true that it is a shocking figure. They get $8,200 per Indian, and the Indian gets $1,400 of it. It does seem like a poor way of feeding the birds.

Senator MONDALE. I did not mean to pick on the BIA, because I think that is rather standard strategy.

I think most of our programs and program administrators assume that the poor have no strength and no judgment at all. I think the great waste in American life is not to recognize that the poor and powerless are an enormously talented and resourceful people. They would be dead if they weren't.

Mr. COCHRAN. Long since.

Senator MONDALE. They really want the system to work and want to be a part of it. We have their loyalty, at least far more than we are entitled to. The country has enjoyed their patriotism more than perhaps we have a right to ask.

Mr. COCHRAN. They are almost an unfortunately patient people.

Senator MONDALE. Mr. Cochran, I am most appreciative of your efforts. Your many years of experience with the migrant labor problem qualifies you as an expert, and I appreciate your sharing that knowledge with the subcommittee.

We will stand in recess until Friday morning. I order printed in the record materials that are submitted to the subcommittee that are relevant to today's hearing at this point.

(The material referred to follows:)

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., September 2, 1970.

Hon. WALTER F. MONDALE,
Chairman, Subcommittee on Migratory Labor,
Washington, D.C.

MY DEAR SENATOR: I am sending you herewith copy of a letter I have received from Mr. George F. Sorn, Manager of the Labor Division of the Florida Fruit & Vegetable Association, which I believe you will find self explanatory.

I would appreciate your making a part of your official records and/or hearing record the six-part Report from the MIAMI HERALD written by Herald Staff Writer John K. deGroot, copy of which I am enclosing herewith, as requested in Mr. Sorn's letter.

Your advice of what action you can properly take regarding this request will be appreciated.

With kindest regards, I remain
Yours faithfully,

SPESSARD L. HOLLAND.

FLORIDA FRUIT AND VEGETABLE ASSOCIATION,
August 31, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLAND: This Association continues to appreciate all of your activities in support of Agriculture in the State of Florida.

Recently, this Association—through George H. Wedgworth, Joffre C. David and the writer—has had conversations and correspondence with you and your staff concerning the general migrant problem in Florida. This included information about the NBC White Paper—Migrant, and testimony before The Senate Subcommittee on Migratory Labor.

Included in the over-all migrant problem has been much completely biased reporting by newspapers and television. Recently, there appeared a six-part report in THE MIAMI HERALD written by Herald Staff Writer John K. deGroot. The report is highly deserving of note since, in our estimation, it is extremely objective reporting about the migrant problem.

We are attaching a copy of the articles for your information.

In conversation with Joffre, we wondered about the feasibility of submitting copies of the six-part report to The Senate Subcommittee on Migratory Labor to be made a part of their official files. If you thought well of the idea, we wondered whether you would be so kind as to submit the six-part report by Mr. John deGroot to The Senate Subcommittee on Migratory Labor so that it can be made a part of their official records.

Sincerely yours,

GEORGE F. SORN,
Manager, Labor Division.

Attachment.

SIX-PART REPORT OF THE MIAMI HERALD STAFF WRITER J. K. DE GROOT ON THE MIGRANT OF SOUTH FLORIDA

[From the Miami Herald, Aug. 16, 1970]

MOST OF THE MIGRANTS CALL FLORIDA HOME

"I'm just trying to get along without shovin' nobody around."
—Tom Joad, from John Steinbeck's "The Grapes of Wrath," 1939.

> For a month, reporter J. K. de Groot traveled South Florida's farmland talking with more than 200 people, from the impoverished to the powerful. He also dealt with more than 25 organizatons concerned with the migrant and with material from nine independent research studies of the migrant for a six-part report that begins today.

(By J. K. de GROOT, Herald staff writer)

Like a tunnel in time, State Road 80 slashes through swamp, desolation and history as it moves westward from the gleaming coastal splendor of Palm Beach.

At one end, the richest citizens of the world's most opulent nation call for drinks and debentures while air conditioners and servants whisper around them.

Less than 50 miles westward, other citizens nurse wounds of the mind that are said to be of greater cruelty than those often found festering on the impoverished bodies of their young.

Officially, Florida numbers them among "our friends in agriculture."

In a recent greeting to such people, Gov. Claude Kirk Jr., expressed the "hope that you will be able to spend a few additional days or weeks with us. Visit our winter farm acreage, and enjoy our sun, beaches, fishing, state parks, and many other attractions.

"And most important," concluded the governor, "hurry back to see us. We are happy to see you."

Among others, the governor was addressing a said segment of our society commonly called "migrants."

The term is anachronistic in an age of rocketry and repose . . . just as the governor's statement reflected a certain irony when one considers that it was made to many who earn an estimated $1,737 to $2,800 annually as agricultural workers.

But who are these whom the state numbers among its "friends in agriculture" and whom most term "migrants."

First, they are not "migrants" . . . not in the Steinbeckian sense, not the jalopy people of the '30s, the homeless Okies desperate and adrift in a world of economic chaos.

Indeed, many journey by bus from farm to farm and state to state.

But unlike those tractored off their lands to taste the grapes of wrath in the Depression years, these people have a home.

It's Florida—the spawning ground of 81 per cent of the entire population of "migrant" workers who move up and down the eastern seaboard of the United States. This was revealed in a 1969 study conducted at the request of the Florida State Department of Education.

Hence, the vast majority of them are not homeless. They are Floridians.

Thus the term "migrant" does not connote someone with a home; thus the anachronism of the word and the irony of the governor's recent welcome to "our friends in agriculture."

The governor's statement would have been more accurate had it been addressed to our friends in the Florida agri-ghetto—this based on a diverse gathering of studies made by various local, state and federal agencies.

But who are these people of the Florida agri-ghetto.

They are a vast portion of what the Florida Farm Labor Department refers to as seasonal farm workers. These are people whose numbers rise and fall like some vast human tide regulated by the harvest of crops in the vegetable and citrus regions of the state.

Last year, during the peak of the harvest season in February, the Farm Labor Department counted 77,948 persons gathering Florida produce for the nation's stomach.

By August, with the fields dormant beneath the burning summer sun, their number had dwindled to 24,445. For 53,539 men and women of the fields, it was impossible to find year-round employment in the Sunshine State.

These people had two choices:

They could work elsewhere, move northward to other states and seasons. Or they could remain to eke out a precarious life style with day-to-day jobs as diverse as the forms of unskilled employment.

For others, by choice or chance, it was a matter of going jobless, living on surplus commodities and the grace of agri-slumlords who let rental payments slide until the fields are full once more and the growers require labor.

It is impossible to number the latter, the people of the precarious summer. Mostly they are the old and wasted, the drunken and disordered, the wives and children. For the others, the menfolk of healthy mind and body, there is work—though they might wander 1,400 miles to find it.

What remains significant is the schizophrenia of the Florida farm labor demand.

At one point during the season, it finds itself begging for labor, with fruit and vegetables rotting in fields because they cannot be gathered quickly enough.

And there are other areas of agriculture where the worker refuses to labor. For this reason, some 8,000 are flown in from the Caribbean each year to harvest sugar cane. Despite newspaper ads, radio commercials and billboards, the American farm worker chooses not to sweat and toil in the burnt-out cane field in harvest.

There is paradox in this because the imported "off shore" sugar cane worker is offered base pay greater than that of any other field worker in the state.

And so during the peak of the harvest season, Florida begs for hands and bodies to gather its goods of produce.

But depending on crop and county, the begging quickly ceases—beginning first in the southernmost counties and moving northward.

For this reason, many workers move throughout the state—crop to crop, harvest to harvest, week to week.

But by May, it is finished. And by August, nearly 70 per cent of February's treasured hands and bodies have become worthless commodities in a glutted market.

Small wonder that many travel northward from May to September in what they call "the stream."

Who enters this stream?

The Florida Labor Department believes the number may range from 40,000 to 45,000.

But this is an estimate just as Chet Huntley recently estimated the number of Florida "migrants" at 200,000 . . . in a nation-wide television special . . . bringing cries of outrage from Gov. Kirk on down to Billy Lee, Jim Cadwick who pumps gas in Pahokee during the summer after a harvest season behind the wheel of a worker-laden truck.

In truth, there is an impressive collection of agencies, organizations and committees quick to offer their estimate of the "migrant" population in Florida.

There are two problems crucial in producing any head count of the State's so-called "migrants."

First, a number of them . . . roughly 20 per cent . . . actually do move from county to county and across state lines.

Second is the matter of defining what constitutes the state of migrancy.

Nearly every organization counting migrants does so with its own definition of what constitutes a state of "migrancy," ranging from anyone who might work on a farm during a given year to one who crosses the state line in search of agricultural employment.

The agency with the figures most widely accepted is the Farm Labor Department, which has offices and staff members in the major farming centers of the state.

The Farm Labor Department staff members obtain a semi-monthly count of workers in fields from their employes.

Analyzing these figures, one comes up with the following—based on a peak employment figure statewide of 77,984 field workers in February of 1969:

First, 7,983 were "off shore" sugar cane workers flown in from Jamaica.

This leaves 70,001 "domestic" workers toiling in the fields of Florida. Of these, 55,813, or nearly 80 percent, listed their home as Florida.

Further, 48,006 described themselves as being "local" in the area where they worked, while only 7,803 indicated they had traveled from another point in the state to work in the fields.

In short, only 20 per cent of those in the fields had actually "migrated" from another state to support the Florida farm economy.

So much for the classic Florida "migrant," perched amid bedsprings, children and chickens atop a clattering pick-up descending upon the land.

These folk, with the exception of a handful of 14,188, are Floridians.

Their trucks, cars and buses bear Florida license plates. Their children while their attendance is woefully sporadic, receive the major portion of their education in Florida schools before dropping out after the sixth grade.

And when those who do head north are asked where they're from, they'll say, "I'm from Florida."

Florida is not merely a part of the "migrant stream." It is one of its major sources, a point overlooked by the many state legislators who demand federal solutions to the migrant problem because "migrants are federal people."

As indicated earlier, the Farm Labor Department estimates that some 40,000 to 45,000 souls leave Florida to join the northbound stream at the end of each season.

But when the "stream" flowed north, Farm Labor Department figures indicate it bore a human load of nearly 55,000 people.

Why is the Sunshine State a source in this stream of human misery, rather than one more branch in its yearly flow along the eastern coast?

The answer is that Florida has the longest harvest season of any state served by the stream.

It begins at the end of October and closes toward the end of May, nearly eight months long. During this period, the movements of the "stream" are minimal. The "stream" is at home—at home in the agri-ghetto.

Times have changed since the days of Tom Joad and the "Grapes of Wrath."

No longer does the sheriff meet the "migrant" at the state line.

Now the governor welcomes him, creating the paradox of a resident being treated as a visitor, with the genteel invitation to spend some time at the beach.

Unfortunately, when working, the "migrant spends an average of 10 hours a day in the field, six days a week, miles from the beaches.

And he receives, at highest estimate, $2,800 a year for his services, according to the State Department of Education's research project conducted by University of Miami Professor John E. Kleinert.

Kleinert's research team also reported that the wife of the average migrant-resident-visitor works beside him in the fields or in the packing houses, bringing in an additional $1,900 a year for 10 hours a day when the season demands it.

The kids pitch in, too, a good thing, according to one Floridian interviewed on national television. He opined that the "fresh air did them a lot of good."

The average migrant child; according to Professor Kleinert's research team, begins working in the fields between his 11th and 12th birthday.

The boys work longer, averaging 18.205 hours a week. The girls only put in an average of 16.262 hours in the fields.

Of course, Florida law requires they cannot work during school time. But there is no child labor law limiting the number of hours a child can spend in the field after school.

But in any case, such is academic because the average migrant child drops out of school shortly after he finishes sixth grade.

With mom and dad in the field 10 hours a day and the kids hustling along beside them after school, the average "migrant" family might earn as much as $5,000 a year—based on the Kleinert study of conditions in Florida.

To this, Harvard psychiatrist Dr. Robert Coles replies, "I do not believe the human mind and body were made to sustain the stresses migrants must face."

Dr. Coles has spent 12 years studying the migrant family unit. He reports, "when a migrant child is 10, he ceases being a child.

"These children," he continues, "eventually become dazed and listless, numb to anything but immediate survival.

"When he is 13 or 14, he is already on his way downhill with his teeth in trouble, his skin in trouble, heart and lungs and stomach in trouble.

It is not surprising that Professor Kleinhert's research team found that 75 per cent of the migrants wanted other forms of work.

Three hundred times as many migrants die of accidental deaths than the rest of their fellow Americans according to the U.S. Department of Public Health.

Yet while their accidental death rate is 300 per cent above the rest of the country, in Florida the law does not require their employer to carry workman's compensation. Of the 113,000 farms in Florida, only 1,811 carry it on a voluntary basis, according to the State Industrial Commission.

In addition, other studies reveal the migrant consumes less than half the needed dietary allowances of nutrients in Florida.

Most of his children are behind from two to three years in school.

These same children are 43.6 per cent more anti-social than the average child.

Their chances of death during birth are nearly 25 per cent greater than other children.

When they grow up, their chances of death from influenza and pneumonia are 100 per cent above the rest of society.

In Florida, 30 per cent of their homes lack sinks, 40.60 per cent lack toilets and 42.67 lack bathing facilities.

For this, their parents will pay an average of $53.43 a month in rent for three and one-half unfurnished rooms, with an average of one and one-half bedrooms for the typical migrant family of five.

The studies and statistics go on—and so does life for those who have been numbered from 200,000 to 76,024, for those called "migrants," for those who dwell in the Florida agri-ghetto.

Next: They fought the wilderness.

[From the Miami Herald, Aug. 17, 1970]

OLDTIMER VS. MIGRANT—CULTURES CLASH ON THE LAND

"All of them were caught up in something larger than themselves."

—From John Steinbeck's The Grapes of Wrath, 1939.

This is the second in a series of six articles on the migrant workers in Florida.

(By J. K. de GROOT, Herald staff writer)

By damn, less than a good spit away in downtown Belle Glade, there's this Jesus-haired young lawyer with granny glasses calling him "dinosaur" and trying to get a free ride for a bunch of lazy blacks.

That's the way Lawrence Will sees it.

Not only that, these young black punks get together every weekend and take karate lessons from one of their kind who recently returned from Vietnam with a black belt in judo and hard eyes for just about everyone outside of Colored Town.

And have you heard about them Mexican kids over in Immokalee? They formed this club called "Los Chicanos." Lord knows what that means, but they're strutting around with brown berets, talking about "brown power" and how you should stay in college to get smart enough to lead the revolution.

The old man sighs and his breath comes like a wind from yesterday stirring through his room, a cell of monastical simplicity above one of his several businesses that include cattle, crops and automotive parts.

"Sometimes I feel like I'm George Washington, woke up and listening to the radio. Nothin' makes sense anymore," he says.

At 77, Lawrence E. Will, Belle Glade author, historian and pioneer, sits alone, surrounded by books and papers that smell of age and yellowing photographs of men and women long dead and buried in the muck they conquered.

It was 57 years and countless dreams and deaths ago that Lawrence Will came to a place in Florida called The Glades, a vast area of land spreading out from the southern shores of Lake Okeechobee.

Lawrence Will was one of Florida's first "migrants."

And like the majority of those who share this name today, he stayed to work the land.

Beneath the Glades was the muck—earth of awesome fertility, a place where a man could grow things. That is why the first migrants came to this land.

They'd been told tomatoes would grow the size of pumpkins and that a man could strain himself picking peppers. So they came, the men first, walking southward around the eastern shore of Lake Okeechobee and into what the Yankee real estate men had said was the Promised Land of the new 20th century.

Some wept with rage and disbelief when they saw it.

"It was 1913 when I came here," Lawrence Will recalls.

"It was wilderness. I went places no white man ever went before . . . no Indian, either, I'd say. Before we came, we figured it would be paradise year round."

He pauses, searches through years and memories. And suddenly he leaps into an age of rocketry and social welfare.

"These people want to start off where we finished up. It's hard for us to understand why the federal government wants to do all these things free—free wages, free houses, free food."

He spits the words out in sharp bursts tinged with emotion. He is speaking of the people of Florida's agri-ghetto.

"There's good ones. They'll work, pull themselves up, make their lot better, just like we did. But look at the others. Trash. Living in filth, working one day so they can drink for two."

Dr. Robert Cole, a Harvard psychiatrist, spent 12 years living with those called "migrant," studying the ways of the people of the agri-ghetto.

He speaks of their childhood years, the time when personalities and attitudes are formed and patterns of life style are created.

"Migrant children . . . live incredibly uprooted lives such as no other American children experience.

"These children eventually become dazed, listless, numb . . . We see children with severe depressions, a kind of self-destructiveness that knows no bounds."

Such children grow to adults. Then, according to Dr. Cole, "many of them literally start killing themselves. They take to liquor. They take to violence toward either one another of themselves.

"They do not and cannot take good care of themselves."

Lawrence Will's father went to Harvard in the 1800's. He followed his son to Belle Glade. He created a new type plow that would tear through the savage sawgrass. And a stretch of U.S. 27 is named for him, the Thomas E. Will Memorial Highway, a thin finger of concrete pointing southeast toward Miami from South Bay, near Belle Glade.

There is irony in history and culture. Here is the son of a Harvard graduate, a migrant-pioneer born in the 19th Century sitting in Belle Glade sharing mutual subject matter with a Harvard psychiatrist of the 20th Century.

Lawrence Will views the residents of the agri-ghetto as "lazy, living in filth spending their money on liquor."

Dr. Cole uses other terms such as "depression" and "self-destructiveness."

They disagree on cause and solution.

Lawrence Will believes a man to be responsible for his condition. "They could do something about it if they wanted to," he says.

Dr. Cole believes the wasted citizen of the agri-ghetto is the product of his environment . . . seasonal farm work migrancy, uncertainty.

"The kind of life these people lead is destructive," Dr. Cole concludes. They are a people incapable of placing a value on anything other than existence on a day-to-day basis. They do not value their bodies, their lives or themselves.

And if a man does not value himsef how can he value the condition of a $12-a-week two-room shack soon to be left like so many other faded and filthy quarters before.

"But," says Lawrence Will, "I've lived in shacks a heck of a lot worse than the ones those do-gooders are complaining about. Darn near all of us lived in quarters worse than the ones you'll find in Colored Town or the camps."

And he is right.

Will spent his first year in the Glades in a tent while his days were spent in a battle with the land, clearing it of sawgrass with grubhoe and push plow. At the end of each day, his hands dripped blood from the wounds of the sharp-edged grasses.

And old Andrew Duda fought the land, too. He created the massive A. Duda and Sons Cooperative Association Inc., today a corporate family farm complex that numbers acres in the thousands and dollars in the millions.

Andy Duda came to the Glades with three sons and one mule after having worked for a grubstake in the steel mills of the North.

"He went busted as popcorn," Will remembers.

So Andy Duda took his sons back North where they worked and saved until there was another grubstake and another chance to fight the land of the Glades.

And Herman Wedgeworth came, too—a new type of "migrant," different than Will or Duda, a farm-scientist with a master's degree in plant pathology.

He started in 1932 with 320 acres of sawgrass and an idea that celery would grow. Herman Wedgeworth's house still stands in Belle Glade. It has two rooms. It is smaller than most of the now-condemned units of the ancient labor camps.

In 1932, adults and children slept in one room . . . separated by a cloth drape.

Horace (Red) Garner is a Negro and was one of the first to work with Herman Wedgeworth in 1932.

Today, he is a 56-year-old stocky gathering of muscles that bunch and shift as he moves. He is in charge of harvesting the 1,000 acres of celery that grow on Wedgeworth Farms Inc., the end product of Herman's 320 acres and ideas.

"Back then," says Red Garner, "there was water all over the place. No big farms. Just a lot of little people in misery.

"Mostly, you traveled by boat. Hardly any roads then. You'd push-pole your way to town and back."

By the early '30s, the people of Will's migrant-pioneer generation had established farming in its infancy. They were growing beans, a fast growing crop that could be harvested four times a year. This created a demand for harvest labor and the word spread.

"I was a young boy in Georgia and I'd heard you could make yourself some real money picking beans in the Glades," Red Garner remembers. "That's why I came . . . and so did a lot of others."

Pay was 12½ cents an hour to pick beans in Belle Glade when Red Garner hit town. But he couldn't pick beans too well and he went to work for Herman Wedgeworth.

"Back then, people were sleeping in bushes, right out in the maiden cane." Hell, Red continues, "a lot of people were down here to harvest and there just wasn't any buildings to live in. That's the way it was."

Red Garner chose to attack the sawgrass with Herman Wedgeworth. "You'd pull sawgrass with a push plow. No mule. Just you and the plow going like hell. After one run, your hands dripped blood. By the end of the day, that plow handle would be covered with blood . . . mine and Mr. Wedgeworth's. It was all the same."

The land was cleared and the celery grew. Then there was more land and more celery. And Herman Wedgeworth branched out and built the first precooler plant in Belle Grade to prepare harvest crops for shipment.

He started a fertilizer firm, a seed company and a crop marketing business for other smaller farmers.

And pretty soon it was a corporate complex of farm-related business, family-owned and the biggest in Belle Glade.

Red Garner saw it all, including the death of Herman Wedgeworth in 1939.

"A condenser fell on him while we were building the precooler plant," Red says. "It crushed his stomach as flat as that board over there. It took him three hours to die and he never passed out the whole time.

"Just before he died, he said to me, 'If anything goes wrong, you see Mrs. Wedgeworth.' Then he died."

Mrs. Wedgeworth took over the business following her husband's death and it grew and prospered. In the early 1950s, her son George assumed management of the family-corporate complex after graduating from Michigan State University.

Today, it represents 5,000 acres of cattle, celery and sugar cane—extending into the fields of processing and marketings as well as fertilizer and seed, a multimillion dollar business that a passing tourist might casually describe as "a farm."

"Look out there," says Red Garner. And there are two young men, stripped naked to the waist, sweat tracing white streams through the black muck dust on their leaning and straining bodies as they hurl 50-pound sacks of fertilizer from a farm wagon.

"Those are Herman Wedgeworth's grandsons. They're working the fields just like their father before them," he says. And there is pride in his voice.

There is another kind of pride in the quiet yet intense words of Jerry Roberts, a young black man seated amid a clutter of folding chairs and hand-made tables—distant in philosophy and surroundings from Red Garner and the Wedgeworth farm.

Jerry Roberts is president of a Belle Glade organization called Cry of Black Youth (COBY) and its office is located in a faded former-store in what most folks in Belle Glade call Colored Town.

The late Malcom X, in poster form, stares out at the people of Colored Town as they pass the COBY office.

"All power to the people," is lettered near the picture of the slain black leader, a catch-phrase created by another black leader.

Created in April of this year, COBY publishes a weekly newspaper called "Muck Rake." The newspaper speaks of "Belle Glade Police Brutality" and "Migrant Pride" and the belief that "it's going to take commitment and a strong conviction to mankind to alleviate the agony and despair that exist in every migrant family."

"We started COBY," Roberts explains, "because the time was long overdue. Now, for the first time, the blacks are speaking out in Belle Glade and the whites are getting more and more uptight."

George Wedgeworth, Herman's son, serves as one of the board of directors of the South Florida Rural Legal Service, an agency funded by a federal grant to provide legal aid to those unable to pay for it, including mostly migrants.

Wedgeworth expresses evident dismay that the COBY "Muck Rake" newspaper is printed on a mimeograph machine in the Florida Rural Legal Service offices.

He considers COBY to be "revolutionary."

COBY agrees with him and a recent issue of "Muck Rake" devoted a section to "Revolutionary Quotations by Great Americans."

"We're trying to get the people together," explains Roberts. "We're not militants. We're just here to provide a voice to a people that Belle Glade never listened to before.

"It's time for pride. Back in April, we were sitting around talking about how awful things were. You see, we never knew how bad it was.

"But those of us who started COBY are either Vietnam vets or college students. We've been out and talked to brothers and sisters. We've seen other towns and places.

"And when we came home, we found the 'old home town' was in pretty sad shape."

These COBY people are the sons of beanpickers and field workers. They wear Green Berets, Panther buttons and khaki Army shirts. And they are learning karate and judo from one of their members.

"We're out to create changes through established channels," Roberts says.

But Roberts is skeptical of the "system." He says COBY is willing to try. "I don't know why it should work now," he says. "It never worked before. Just look at the condition of those people out there."

He was speaking of the people outside the COBY office, the people whose subculture spawns an environment of "self-destruction."

And the irony of the agri-ghetto subculture is that it exists side-by-side with the subculture of the migrant-pioneer, the subculture of Lawrence E. Will who will tell you:

"You've got to understand our people. They don't like it when someone comes along and wants something for nothing.

"These people are used to working by themselves. They don't expect any help from any man. They've had to work hard and come up the hard way, fighting the land, fighting floods, fighting freezes.

"I don't know anyone around here who hasn't been wiped out at least once and had to fight to get back on his feet."

Lawrence Will continues: "When a man has had to earn his way with sweat and long years of fighting the land, he just hates to see somebody get a free ride."

But Dr. Cole, the psychiatrist and a scholar of the agri-ghetto mind, replies, "these people cannot and do not take care of themselves."

Next: Trends in Farming in Florida.

[From the Miami Herald, Aug. 18, 1970]

CAN'T IMPROVE LOT, MIGRANTS BELIEVE

"Gradually, the greatest terror of them all came along. They ain't gonna be no kind of work for three months."

—From John Steinbeck's "The Grapes of Wrath," 1939.

(Third of a Series by J. K. de GROOT. Herald staff writer)

Gerard Crawford fights time and flies in a small patch of shade in his stalag-like farm labor quarters in Delray Beach and explains, "Farmin's all I ever knowed."

He is unable to read and barely can write his name. He exists on surplus commodities, a landlord who lets the rent slide, and the $11.70 a day that his wife earns when times are good, 10 hours a day, five months a year.

He is unable to work because he broke his leg while driving a tractor for a man "up the way" two years ago and the leg never was properly set.

But his wife Doll is still part of the gathering of Floridians who live in financial uncertainty as unskilled seasonal farm workers who do not "migrate."

It might come as small satisfaction to the Crawfords that their number is dwindling. For there are three distinct trends in Florida agriculture:

There is a decreasing demand for unskilled labor on the Florida farm.

There is an increasing demand for skilled labor to work the machines that are eliminating the unskilled.

But the grower is finding it increasingly difficult to meet the increased competition of higher wages offered to skilled labor in the urban job market.

In short, the numbers of "migrant" and "seasonal" farm workers will continue to diminish. But the level of unemployment will continue to grow in the agri-ghetto.

Spokesmen for Florida agriculture and many other quarters find hope in the fact that in South Florida alone, the number of "seasonal" farm workers dropped 27 per cent in a five-year period from 1963 to 1969 (from a seven county total of 33,873 to 24,531).

According to spokesmen for the Florida Department of Agriculture, the greatest loss is found in the ranks of the least skilled, such as the "day haul" worker.

As his description implies, the "day haul" worker is one who arrives in pre-dawn darkness at a dusty gathering place hoping that someone will hire him for the day, hauling him to the fields and hauling him back shortly after sunset.

According to Farm Labor Department reports, Palm Beach County is the capital of day-haul labor in the Sunshine State, with more than twice as many day haul points as any other county.

During the 10-year period from 1958 to 1968, the number of day haul workers in Palm Beach County was slashed in half.

In 1958, an average of more than 4,000 in the county worked on a day-to-day basis during the harvest season, never sure where they would work, never sure what they would harvest.

In 1968, these people of uncertainty were reduced to a daily average of slightly more than 2,000 during the harvest season, with more than one-half of their number swarming each morning to a bare-earth covered city block in Belle Glade that is called the "loading ramp" and resembles a slave market.

The number of those called "migrant" also is diminishing. In the United States, it dropped from 447,000 in 1958 to 236,000 in 1968, according to the U.S. Senate Subcommittee on Migratory Affairs.

The Florida Farm Labor Department reports the Sunshine State's amount was reduced in similar fashion.

In 1960, the Farm Labor Department referred 54,524 "migrants" to jobs in and out of the state. Last year, the number had dropped by 51 per cent to 27,193.

Similarly, 10 years ago, 1,437 crew leaders asked for job assignments for their "migrant" work teams. Last year, only 872 sought help.

Yet while the "migrant" work force has been reduced by 50 per cent and the "seasonal" labor pool by 27 per cent, it is significant to note that the total number of those working in Florida agriculture has increased.

In 1957, the Florida Department of Commerce reported a total farm work force (seasonal, year round and families of farm owners) of 135,000. In 1968, the number was reported as 150,000, an increase of 12 per cent.

Agriculture Department spokesmen find two basic causes for the drop in "seasonal" and "migrant" labor and the increase in the state's total agricultural work force.

First, farming techniques and operations have become more sophisticated. Today, there is a greater demand for skilled farm labor—men able to work with machines, chemical fertilizers and the like. And there is much less demand for the unskilled, the illiterate and the day-to-day drifter.

Second, today's modern farm demands more year round workers.

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All this would seem to portend a possible agri-utopia with "seasonal" and "migrant" farm workers no longer living a precarious, day-to-day, crop-to-crop existence, working instead on a year round basis for supersophisticated farms of the future.

The day-to-day life style and farm labor subculture is hardly fertile ground for the "upward mobility" philosophy inherent in skilled labor: i.e.—you learn a skill to improve your lot.

In the agri-ghetto, one is raised with the belief that it is impossible to improve one's lot. As General Crawford says, "Farmin's all I ever knowed."

And as the personnel manager of the Sugar Cane Growers Co-op in Belle Glade says:

"We'll start a job training program this fall. We'll train bulldozer drivers, truck drivers and men needed to work around our refining machines. We won't be able to fill the program."

But migrant leaders maintain that if the growers paid "a living wage," they'd "get all the skilled workers they need."

Growers counter by saying they are paying all the market (that which they can sell their crops for) will allow.

But in any case, those in the seasonal work force who are skilled, or capable of being trained for skilled work, have been leaving the agri-ghetto steadily, moving to the cities and industry, construction and other job areas.

The balance remain to face a diminishing unskilled labor demand as the farms become more mechanized and sophisticated.

Packett, of the State Agriculture Department, reports, "I don't know of a single crop in Florida that doesn't have an extensive research and development program going, trying to figure out how to harvest it with machinery instead of with men.

"Today," he continues, "it's the trend in farms, just as it is the trend in any other field where you have people doing something that a machine could do at less cost, or with greater efficiency."

In Florida, bean picking is almost completely mechanized. Fifteen years ago it was done by hand. Celery is planted and harvested by machine-bearing crews.

Last year, a machine was developed to harvest tomatoes. But it is still considered in the "test" stage. The state's major sugar cane growers are spending thousands in support of projects that will develop mechanical cane harvesters to replace the 8,000 "off shore" workers imported each year to cut cane.

In citrus, major research projects are considering tree-shaking machines and chemicals that will cause the fruit to separate from the tree more easily.

WHY?

While the wages for field workers are low in comparison to other wages (the top base figure was $1.75 an hour last year), growers maintain they are paying more than they can afford.

"I wouldn't care if I paid a field worker $50 a day if I could pass the cost on to the guy who buys my crops," one grower says.

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The State Agriculture Department supports him. In a five-year study conducted by University of Florida Agriculture Economist Donald L. Brook, the following was revealed:

One acre of snap beans cost an average of $350.54 to produce and sold for an average of $370.70, resulting in earnings of $20.16, or a 5 per cent return on the investment.

The average acre of tomatoes cost $799.04 and sold for $788.22, resulting in an average loss of $10.82.

Green pepper production cost was $1,237.39 per average acre. This same acre sold for an average of $1,302, producing a profit of $65.43 for a $1,237.39 investment, or a 4 per cent return.

The average acre of celery required an investment of $1,451.92 and sold for an average of $1,623.35, producing an 11 per cent return.

"Florida agriculture is in the most chaotic position it has ever been in," reports Charles Long, general manager of the Farmers Production Credit Assn.

"The problem is created by three factors," he continues. "First, the produce market is controlled by the major chain store buyers. There's damn little competitive buying anymore. Years ago, you had hundreds bidding on a crop. Now you have dozens.

"Second is the weather and the weather is the weather. The farmer knows that.

"The third factor is increased production costs and a big hunk of that is labor."

"In short, the farmer today has less control over his selling price and his production cost than he did 15 years ago," concludes Long. "That's a bad situation for any business be it hammers or cucumbers.

Long's Farmers Production Credit Association loans nearly 50 per cent of all the money borrowed by South Florida farmers from lending institutions.

By its name, the firm (a co-op of major farmers) loans money to meet anticipated productions costs.

And based on Long's figures, today's South Florida farmer is borrowing nearly three times the amount he did 10 years ago.

In 1959, 191 farmers borrowed $6,287,711 to plant their crops. Last year, 219 borrowed $16,262,021 to plant and harvest their crops.

"Today's farmer," Long says, "has become almost completely dependent upon the credit system. That's fine if you're in a business that has some control over expenditures and earnings.

"But when the typical farmer plants his crops, he has no idea what they'll sell for. That's like Ford setting out to build a car without knowing its retail price."

Long's greatest area of concern is the awesome growth of his unbankable (high risk) loans. "Ten years ago we didn't have any. This year, we have nearly a million dollars worth.

"And," he continues, "we closed 1959 with $300,000 in loans outstanding, while we ended 1969 with some $3 million. These are loans that should have been paid that year, but weren't."

(The vast majority of the loans are made on an annual basis at 9 per cent.)

Thus, if a farmer borrows money at 9 per cent to plant snap beans, which have a five-year average return of 5 per cent, "he just may be in trouble," concludes Long.

"I can name you five big farms that went bankrupt in South Florida last year," he adds. "And we're probably going to be forced to foreclose on five or six major loans this year, loans to members of our co-op.

"Times have changed," he says.

True. In 1954, there were 57,000 farms in Florida, according to the Department of Agriculture. Today there are 35,000—a drop of 47 per cent in 14 years.

At the same time, the average farm investment cost has jumped from $33,627 to $142,800.

Today, because the amount of acreage being farmed in Florida has remained relatively the same since 1954, the typical farm increased in size and doubled in investment cost.

"When you're talking about a business you're not talking about 'Old MacDonald'," says Packett, State Department of Agriculture aide. "You're talking about a business, in a damn risky business."

"Look," admits Long, of the Production Credit Association, "the only reason we're here is because the farmers had to form a co-op to create a credit source.

That's because the conventional credit sources consider farming to be the worst loan risk imaginable."

But all this is meaningless to Gerard Crawford and his fellow citizens of the agri-ghetto.

Next: The Housing Controversy.

[From the Miami Herald, Aug. 19, 1970]

HOUSING FOR MANY MIGRANT WORKERS MAY WORSEN BEFORE IT GETS BETTER

"If a man owns a little property, that property is him."
—From John Steinbeck's *The Grapes of Wrath*, 1939.

(*One of a series* by J. K. de GROOT, Herald staff writer)

Current multi-million dollar efforts to meet the critical housing needs of the people of the Florida agri-ghetto are little more than stopgap measures designed to replace grossly substandard public housing.

And there is every indication that the current housing crisis will get worse before it ever gets better for more than 100,000 Florida "seasonal" and "migrant" farm workers.

Farm workers are now sheltered in public housing, private labor camps and the agri-slums found in Florida cities and towns.

The year-round farm worker pre-empts public housing, and a crackdown by local health departments is closing some of the private camps. So more and more of the seasonal and migrant workers are being forced into the agri-slums.

But to understand the causes of this growing problem, you must go back to another period in time:

Thirty years ago, you would find the workers sleeping in the fields and ditches, dark bunches of weary humanity clustered in the cane stand or snoring in battered cars and trucks.

This was the common condition of the "migrant" in those times.

The state's farm industry had demanded labor. But like most industry then and now, it did not necessarily believe itself bound to supply this labor with housing.

For this reason, the federal government moved to establish labor camps to shelter those huddled in fields and Hoovervilles.

Eight of these camps were built in south Florida: one in Pompano; two in Homestead, and five in and around Belle Glade and Pahokee.

The labor camps were considered to be the finest of their kind when they were built in the early 1940's.

They lacked indoor plumbing and cooking facilities. They were officially segregated. They had inadequate sewage systems and water supplies. They were crowded together, pathetically meager in living space and poorly ventilated.

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Today, only one of the original eight labor camps exists as it did 30 years ago, a sad and shabby monument to another time. It is in Pahokee and is scheduled for demolition this year.

Surprisingly, this was the labor camp presented as "typical" on a recent nationwide NBC television special dealing with the "migrant" in Florida.

The narrator—newscaster Chet Huntley—failed to tell the nation that in the past two years alone, the federal government has loaned or given local housing authorities operating the camps a total of $17.6 million to destroy, convert or replace the 1,984 woeful living units that lined the dusty streets.

Nor did the newscaster reveal to the viewers stunned by the shabby buildings on his screen that the federal government has also provided nearly $10 million more in grants and loans to build additional low income housing for some 19,000 farm workers in South Florida since 1968.

And so the nation sat and watched a staggering collection of Tobacco Road shacks and hovels, the major portion of which were either scheduled for destruction or condemned by the Palm Beach County Health Department. At the same time, viewers heard Huntley observe this was just how bad things were when it came to migrants.

NBC could have mentioned the $27 million that has been poured into low income housing for South Florida farmworkers.

It could have omitted film footage of soon-to-be-destroyed farm labor camps houses and condemned Tobacco Road shacks.

It might have even mentioned the fact that during the past five years, two major Florida sugar companies have spent more than $6 million in private funds to provide new housing for 4,296 people (2,618 “offshore” cane cutters and 393 “domestic” year round workers and families).

NBC could have told its viewers all this and still reported that the vast portion of Florida’s agri-ghetto remains unaffected by what state officials describe as “all the good things being done here that NBC didn’t show.”

But there is a grim irony in all this.

WHY?

First, while $17,685,000 was spent to eliminate the foul living units in the pre-war labor camps, this money increased the number of available living units in the camps by only 95.

The eight pre-war camps had a total of 1,984 units. When the last of the old are gone, 2,079 will take their place.

In addition, the vast majority of persons that are moving from old units into the new are not “seasonal” or “migrant” farm workers. They are employed year-round.

At Belle Glade, where there are 647 new, or converted units, Housing Authority Director Fred Simmons reports, “I hope to have about 75 units for ‘seasonal’ farmworkers this Fall.”

The balance of the housing (89 per cent) is rented year around, he adds.

At the Pahokee Housing Authority, Director James Vann admits, “over the years, permanent residents have all but taken over our facilities.

“But,” he adds, “we can’t shove them into the fields. And in addition, the only way we could get federal aid to improve what admittedly was a bad, unforgivable situation, was to adhere to FHA permanent occupancy requirements.”

In short, the rebuilt camps at Pahokee with 400 new units, have “little to offer the migrant,” Vann says.

At the rebuilt Pompano Labor Camp, only 20 per cent of the 400 new units “will be available to migrants this Fall,” Housing Authority spokesmen say.

At the two camps in Dade County’s Homestead, officials say 40 per cent of the 515 new units will be available to migrants.

“But,” one adds, “this kind of thing is damn expensive. Like the other Housing Authorities in South Florida, we have to pay back a good chunk of the federal money that enabled us to build these new units. We have to do this with rental income. That’s rough when we have to keep 40 per cent of our units vacant part of the year for the migrants.”

In Pahokee, Housing Authority Director Vann adds, “we could never have received the FHA funding for our rebuilding program if we had included a 25 per cent vacancy factor in our request.”

All this is not to minimize the importance of the $17-million program that ended what one team of doctors recently described as “little better than slave quarters, or cages.”

In the near future, the eight pre-war camps will be little more than memory to those who operated them or lived in them.

And the new units, with rental fees based on low income payment abilities, will provide a life style previously unknown to the people living there.

But even with an investment of $27 million in the area of low income farm worker housing, more than 100,000—the seasonal laborer and the “migrant”—will continue their current existence.

There are two other major sources of shelter.

The first is the private farm labor camp owned by farmers, or agri-slumlords.

The second is the agri-slum within the towns and cities.

There were 408 of these camps at the end of 1969, according to the annual report of the Florida State Board of Health Department’s Migrant Health Project.

These 408 camps offered housing to some 33,500 seasonal farmworkers and their families.

Among these are eight “villages” owned by the U.S. Sugar Co., all brand new “agri-communities” that are the end product of a five-year $5 million program that has resulted in modern housing for 2,618 imported “off-shore” can cutters and 1,678 “domestic” workers and their dependents.

U.S. sugar "rents" these modern duplex housing units to its year round "domestic" employes for a service fee of $1.25 a week (one bedroom duplex) to a maximum of $5.00 a week (an entire double duplex).

Another of the "modern" private camps is that owned by the Talisman Sugar Co. of Belle Glade. Here, 25 new trailers are provided for" domestic" year round employes, while a modern, three-story dormitory has been built for 1,100 "off shore" cane workers. The firm spent $1 million to develop this facility.

Unfortunately, these are the only ones of their kind among the 408 private camps.

Still, they stand as what could be.

There remain 406 private farm labor camps. These camps house an estimated 30,000 seasonal workers.

Forty percent of this housing is considered unacceptable by the State Health Department under provisions of a state code requiring Health Department permits for the operation of farm labor camps.

Enforcement of the farm labor camp permit code is handled by local county health departments. Recently, many of these departments began a strict campaign to crack down on camps without permits.

This has resulted in an increasing number of camps being closed by their owners.

On Monday the owners of the South Dade Princeton Labor Camp announced the closing of the camp—which will result in the loss of shelter to some 500 during the peak harvest season.

The owners say they are closing the camps because they cannot afford the cost of improvements required by the code.

And so a steadily increasing number of "seasonal" farmworkers and migrants are being forced to find shelter in the only source available to them: the agri-slum.

In towns like Belle Glade, Delray Beach and Pahokee, the agri-slum bears the name "Colored Town." In other areas where there is a strong concentration of Mexican farm labor, the agri-slums take on Spanish nicknames. Or they are simply called "Mexican Town."

In either case, the majority of the buildings in the agri-slum are owned by absentee landlords. These are old buildings, usually wood-frame and dark. Often, as in South Bay and Belle Glade, their exteriors are freshly painted, while the walls inside are worn and stained by a legion of tenants and their children.

Typical of this sort of housing is the apartment building owned by Pahokee City Commissioner Raymond Crosby in South Bay.

Here, you can rent two meager, unfurnished rooms for $44 a month, plus utilities. In addition, you receive all the cold water you can use and the right to an outdoor toilet.

The bedroom is barely large enough to hold a double bed.

Or you may rent two rooms in Belle Glade from this city's Police Chief, Charles Goodlett. Chief Goodlett supplies hot and cold running water, but the bathing and toilet facilities remain outside. You pay for the electricity in the unfurnished rooms and supply you own cooking facilities. The chief will rent these "apartments" for $31.52 a month, which is a bargain compared to Crosby's rental rate.

Such housing can be considered average.

"There's a lot worse around here than what I rent," Chief Goodlett says.

And he is correct, according to a State Department of Education research project which revealed nearly half the agri-ghetto housing lacks toilets, tub, or shower, while one-third lack indoor running water.

Moreover, the State Health Department's Migrant Health Project report for 1969 found an awesome amount of housing lacks adequate cooking facilties.

In Palm Beach County alone, 76 per cent of the "rooming houses" offered to migrants and seasonal farm-workers lacked cooking facilities.

The migrant health project report concluded that the well-known diet deficiency of the migrant in Florida is the product of "generally poor facilities for food preparation and food storage in available housing." (The average migrant consumes less than half the minimum daily requirement of nutrients).

Last year, an estimated 60 per cent of the more than 100,000 seasonal and migrant farmworkers family members were forced to find housing in the agri-slum.

This year, an even greater percentage will turn to the agri-slum for shelter as more and more private farm labor camps are closed due to pressures brought on by local health departments.

Next: Attempts at health, education and welfare programs for the migrant.

[From the Miami Herald, Aug. 20, 1970]

STATE SHIFTS MIGRANT MESS TO WASHINGTON

(By J. K. deGroot)

Migrant Turner James was 56 years old and working upstream in the north when they cut his left lung out because it was full of cancer.

That was back in 1968. Migrant Turner James is dead now.

He had gone upstream because there was no work for a man in Florida. The land was fallow, the crops were harvested.

After his lung was gone and Turner James was taped up and moving, they gave him three $1 bills and a bus ticket to Broward County.

The same day the people at the hospital up north called the Broward County Health Department.

They told the Health Department to meet Turner James at the bus station because he'd just had his left lung cut out and might need some looking after.

The Health Department folks were a little puzzled by this, but the northern hospital people said the staff at the Broward Migrant Health Center, where migrants go for medical help, knew all about Turner James.

Trouble was, the Broward Migrant Health Center had never heard of migrant Tuner James until he showed up at the bus station, the three dollars gone and his chest hurting.

They found him shelter in a Halfway House and finally put him in a hospital where there wasn't anything else they could do for him except make him comfortable. He died early last year.

It's hard to say what would have happened to Turner James in his last days before the Migrant Health Project was created in 1963. It's not a nice thing to think about.

Last year, Migrant Health Project Clinics took care of 17,870 seasonal farm workers in seven counties of South Florida (Dade, Palm Beach, Glades, Hendry, Lee, Broward and Collier counties).

The Migrant Health Project was supported with a Federal grant of $1,004,151 from the U.S. Public Health Service.

The State of Florida didn't give the folks helping people like Turner James a nickle. Just ask them. They'll tell you.

What does the state of Florida do for people like Turner James?

Last year, some $12 million was spent in 13 major health and educational programs in Florida geared to ease the precarious life style of the more than 100,000 called "migrant." These people are among the state's most disadvantaged citizens and the backbone of its agriculture industry.

Included in the $12 million was the grant that enabled the Migrant Health Project to operate.

But in virtually every one of the 13 major programs, the Sunshine State's fiscal participation consisted of little more than a pat on the back.

When it came to any comprehensive effort to solve the health and education problems of the migrant, Tallahassee shifted the responsibility to Washington.

But at the same time, Tallahassee is the capital of the state that serves as home for the major portion of the migrants in the eastern United States.

Last year, Gov. Claude Kirk Jr. proudly issued a report on the "Action Plan for Migrant and Seasonal Farm Labor in Florida."

The "Action Plan" report listed each of the 13 major efforts under way to aid the migrant in Florida and described their function in detail.

The report indicated that the state had not appropriated any funds to support its "Action Plan."

In fact, the entire Florida "Action Plan" was supported by the federal government, with the exception of the Florida Migrant Ministry. This organization, by far the smallest of the 13 in dollar volume ($60,000), is supported by church contributions, as well as funds from the United Church Women and the National Council of Churches.

In short, Gov. Kirk's "Action Plan" received greater fiscal support from neighborhood churches than it did from the state government.

So much for the "Action Plan" of 1969.

In 1970, the Legislature created two new agencies to deal with the plight of the migrant and seasonal farm workers.

And although the amount was far less than the entire 1969 operating budget of the Florida Migrant Ministry ($60,000), it did appropriate some money for one of the agencies.

The first of the two new organizations is the Florida Legislative Commission and its Advisory Committee. The commission held its organization meeting in Miami Wednesday.

While bemoaning its boycott by a coalition of migrant organizations, the Legislative Commission Wednesday agreed to request approval of a hoped-for annual budget of $43,500 that would be granted by the Joint Legislative Management Committee.

The requested budget would include a $12,000 salary for a staff director.

The commission has been boycotted by the migrant Rural Organization Coalition (ROC) because the member migrants felt its Advisory Committee, to be named in the near future, "is stacked against them."

The commission has no established budget and must obtain its operating funds from the Legislature. Its powers are advisory, as are the powers of its Advisory Committee.

The second state-backed effort to ease the plight of the seasonal farm worker is the Division of Migrant Labor in the Department of Community Affairs.

The division has a staff of two (director and secretary) and a 1970 budget of $45,000. Its powers are advisory.

Thus, while the Legislature created two more organizations to deal with the problem of the seasonal and migrant workers, neither organization has any teeth and one lacks a formal budget and the other boasts a staff of two who are to "coordinate" and "cooperate" with "all federal, state and local programs" dealing with the woes of 100,000 people.

It should be noted that this same Legislature failed to act on four bills introduced by Miami Sen. Lee Weissenborn to improve the lot of the seasonal farm worker.

The first bill would have provided for unemployment compensation to farm workers. At present, while the federal government recognizes the need for this, the state of Florida does not. Jobless farm workers are not eligible for unemployment compensation in the Sunshine State.

Weissenborn has attempted the passage of this bill at least four times. The last three times, it was rejected by the Senate Agriculture Committee.

In addition, the Senate Agriculture Committee voted against a Weissenborn bill to tighten child labor laws in the area of farm work. At present, there is no limit on how long a child may work in the farm field after school is out . . . be it one hour, or 10.

The Senate Agriculture Committee also rejected a Weissenborn bill to require state registration of migrant crew leaders—men who organize pools of labor that travel throughout the state and along the East Coast in gypsy caravan fashion to work the farm fields, men, women, children and all.

At present, crew leaders (under federal law), must register in Florida—but only if they cross the state line. Intrastate crew leaders need not register. And the number of intrastate migrants is increasing in Florida, just as the number of out-of-state is dropping.

The last of Weissenborn's four bills died on the calendar. This bill would have put more teeth into the State health code governing the operation and conditions of Florida's labor camps. In 1969, the Migrant Health Project reported 408 "private" labor camps in the state. Of these, 40 percent did not meet the requirements of the labor camp code.

In any event, the sum of the 1970 Legislature's efforts in the area of seasonal farmworkers was two "advisory" organizations, $45,000 and the rejection of four bills proposed to improve their way of life.

But what of the 13 major projects outlined in Gov. Kirk's migrant "Action Plan" * * * projects totally devoid of state funds, according to the report?

The most heavily funded program is the Florida Migratory Child Compensatory Program (MCCP). The agency's 1969–70 budget was $6.592 million, all of which came from the U.S. Office of Education.

The needs of the migrant and seasonal farm worker in the area of education are awesome, as indicated in the findings of a recent research project conducted by a University of Miami team led by Prof. E. John Kleinert.

In his report, Kleinert found the children of the agri-ghetto attend schools only intermittently and only when it serves the immediate convenience of the family.

"Failure," he said, " is what the school offers the migratory child in most cases. These children cannot compete with the middle class child, but successful competition is the only way to avoid failure in the American school."

Kleinert found that the "drop-out" factor of the agri-ghetto child is 42 percent above that of the other children. At the same time, he discovered the seasonal farm worker child is 30 percent below the "normal" child in school environment.

In addition, he learned that the typical parent of the agri-ghetto left school in the sixth grade. Thus, the child was found to be following in the parents' footsteps.

The agri-ghetto child is the product of his subculture of apathy, transition, insecurity and "self-destructiveness."

The child, Kleinert said "adapts (to the subculture) until the day he goes to school. At school, he finds that he is one of a disliked minority. In school, he confronts the rest of the world for the first time."

And so the child withdraws and turns inward.

Concluded Kleinert, the school "cannot make them feel wanted. Therefore it cannot educate them."

In short, unless the school can relate to the child of the agri-ghetto and offer him something more meaningful than that offered to his parents, the apathy and ignorance of a self-detructive subculture will continue.

The Federal Migratory Child Compensatory Program is just what its name implies. It is attempting to "compensate" for the fact that our schools are middle-class oriented.

In many cases, it is only able to work with the children a brief time—often, only weeks.

In September of 1968, Kleinert reported an estimated school population of 7,657 "migrant' children in Florida. By February of 1969, his research indicated the number has grown by nearly six times to 43,138.

As if transition and a self-destructive subculture were not problems enough, the educator must also deal with a population composed of one-third of its number indicating Spanish as its primary language. These are the Mexican American migrants.

Kleinert reports the general ethnic break down of the "migrant" to be 33.4 per cent Mexican American, 54.51 black American, and 10.57 Anglo-American.

Hence, the educator must address himself to the problems created by a subculture primarily composed of the separate ethnic cultural qualities.

The program has focused its efforts in three basic areas:

An early childhood education program, with 140 mobile teaching units, each staffed by one teacher and two aides. These operate from 7 a.m. to 5 p.m. during the week. Their primary purpose is to bridge the huge gap between the agri-ghetto subculture and the middle-class school . . . working with children from 4 to 5.

A reading program designed to augment standard classroom literacy teaching techniques.

An earn and learn program, which encourages older migrant youth to learn new job skills that will take them away from a labor pool currently facing increased unemployment due to farm mechanization.

Are these programs working?

Educators believe they are.

But without special programs to meet the particular needs of the agri-gheto child, Kleinert warns that our existing school system "cannot educate them."

And again, the entire effort to meet the inability of the Florida schools to educate these children is being financed by the federal government and not the state, or local governments.

The same holds true for adult education programs, and job training projects that might take the adult out of the precarious, day-to-day world of seasonal farm work. Last year, the federal government provided $2,409 million for six projects of this kind in Florida.

In addition, the federal Office of Economic Opportunity (OEO) provided $804,000 in funds last year to support the entire budget of the South Florida Rural Legal Services, an agency geared to meet legal needs of a people all but totally ignorant of their rights and the law.

But while legal rights are crucial to a subculture virtually overwhelmed by the complexities of modern living, they are rivaled by the needs of these people in the areas of health and welfare.

And the needs are great:

Fifty percent more migrant children die at birth than other infants.

The risk of death during birth is 25 percent greater for migrant mothers.

Death from pneumonia and influenza is 100 percent greater among migrants than the rest of the population.

Seasonal farmworkers suffer from malnutrition, taking in less than half their daily minimum requirements of nutrients.

And while Florida does not require workman's compensation for farm workers, the accident rate among such people is 200 percent greater than all other types of work.

In short, those like Turner James are in dire need of health care.

The migrant health project is attempting to supply this with funds provided entirely by the federal government.

But it is woefully underbudgeted and under staffed.

The Migrant Health Project in Palm Beach County reports, "patients with emergency conditions are usually admitted to the hospital, but those needing elective preventive care are commonly refused."

In Lee County, project spokesmen say, "Physicians are not reimbursed in Florida for in patient hospital care of migrants and this has caused some problems. Our surgery is limited to emergency for this reason."

So the medical care offered to the seasonal farm worker in Florida is "emergency" only, with a woeful lack of preventive and post-illness care.

It is difficult to say what minimal form this medical care would take if it weren't for the efforts of the Migrant Health Project—especially when you consider these people lack hospitalization insurance, the ability to obtain credit and access to doctors and hospitals (nearly all are in rural areas, far from the medical facilities offered by urban communities).

The last area that might offer comfort to the plight of the seasonal farm worker is that of public welfare.

In his research, Kleinert found, "almost no migrants have even heard of any kind of social assistance program, much less availed themselves of the advantages of them.

"The nomads of this state are almost totally alienated from our society."

And until recently, when the U.S. Supreme Court threw out year round residency requirements, virtually all of Florida's "seasonal" work force was ineligible for county welfare programs because they cross county lines to earn their living countless times each year.

Concludes Kleinert, "one who studies (these people) is often tempted to compare them for sheer misery with the occupants of America's urban ghettos—the unemployed and partly employed black inhabitants of the rotting central city areas.

"When this comparison is made," Kleinert says, "the ghetto-dweller comes out ahead, both in terms of (his) level of education and terms of economic measurements."

Warns Kleinert, "for our governmental agencies to attack the problems of the American migratory worker with exactly the same health and education programs that they have used in the urban ghetto would be to consign their efforts to failure."

Because the federal government is footing the bill, this is not the case in Florida. But spokesmen for the various projects attempting to solve the crucial problems of the agri-ghetto say they lack the funds they need to do a more meaningful job.

To date, Florida has chosen not to appropriate these funds. Instead, the state continues to depend upon the federal government to solve what has become a Florida problem.

[From the Miami Herald, Aug. 21, 1970]

A MIGRANT LIFE—LIKE THEY TOLD HIM: "YOUR LOT'S HARD AND YOU GOT TO BEAR THE LOAD"

> *"Only a baby can start. You and me—why we're all that's been."*—
> From John Steinbeck's The Grapes of Wrath, 1939.

The Child.—He didn't just up and quit school. It was just that one day he didn't go. It was the same the next day. The school didn't care. They figured he'd just moved on down the road.

The Man.—He turned and spit in anger, saying, "Hell, I ain't going to work today." His wife heard him, but said nothing. He didn't work that day or the next. And soon it was just as it was when he left school.

(By J. K. de Groot)

She was a good ol' truck. She was safe. She was home. You could climb inside the truck and hide. The inside of the truck smelled like his Daddy. He liked that.

His Daddy used to say, "That ol' truck has seen some years, but so have I."

He was a migrant child and this is the story of his life.

Very early, he learned that camps and fields come and go, but there's always the truck.

Nights in the truck were the best, the engine sweet and steady up front, his Daddy easy behind the wheel, his mother soft beside him.

Years later, as a man, he would feel a bewildering tightness whenever he saw a 1934 Dodge truck in his travels.

His earliest memory is that of a vast field, flat and open. It is hot. The sun is bright. There are many people working in the field. He can hear their hands rustling among the leaves like the sound of countless imprisoned birds.

He is with other children beside a small stream. A very old woman is watching them. She has fallen asleep in the heat, her aged body leaning like a half-filled sack against a tree.

He watches as one of the children walks into the stream. The child falls, eyes open in disbelief, one arm outstretched, his mouth wide and soundless.

He sees the child vanish beneath the water.

Later that night, everyone was very sad. There was no money to bury the dead child. They sang hymns in the camp. The other women hit the old woman with sticks because she was stupid, allowing the child to drown. The old woman screamed through her gums.

They put the dead child in a hole outside the camp. Then the men filled in the hole. His Daddy helped.

"I don't want to go down in the ground," he told his mother afterwards. "Hush up and go to sleep," she said.

He doesn't know the name of the town where he first went to school. He didn't want to leave the truck. He didn't want to leave his people. Every since he could remember, his mother had told him, "We stick to our own."

The teacher smelled good. She smelled like fancy flowers. He told his mother about that later. The teacher said he talked funny. He didn't tell his mother about that. The teacher said his clothing wasn't right and she made him wash his feet. Then she told him to sit still so that he could learn.

He sat still. He didn't say anything because he didn't want to talk funny, even though the boy next to him tried to make him say something.

Later he fought the boy next to him outside the school because he called him "trash."

"No matter what, we ain't trash," his Daddy had said. "Your granddaddy had a farm before the 'Crash'. We were land people."

He did not understand what his father had meant. He knew a "crash" was a bad thing. A "crash" happened to trucks on the road sometimes. He couldn't understand how his granddaddy had "crashed" his farm.

Anyway, he wasn't "trash" and he gave the boy a bloody nose for it. The teacher got mad and didn't give him a cookie. This made him sad. His mother had told him school would be nice because they gave you cookies. He didn't like school.

That night, he told his mother that the teacher said his clothes were bad and that he had to wear shoes. He also told her how nice the teacher smelled.

His mother said, "hush."

Later he heard his mother shouting at his Daddy about money for shoes and clothing. They had a fight. His daddy hit his mother. His mother cried. His daddy left.

"Don't worry," he told his mother. "When I get big, I'll pick more hampers of beans than any man in the camp. I'll give you money."

His mother cried herself to sleep. He lay beside her, the other children of the family already quiet in the night.

He was still awake when his Daddy came home, drunk and running on a flat tire.

Then his daddy sat down on the rickety wooden steps of the camp house where they lived. And he cried. His mother got out of bed and went to him. She sat beside him and held his daddy in her arms. He could see his father's broad shoulders moving as he sobbed.

He couldn't understand why his daddy was crying. Then he started crying, too. He didn't know why.

The next morning, his mother said he didn't have to go to school if he didn't want to. Her voice was very hard.

From then on, he went to school when it suited him and the family. He went to a lot of schools. It didn't matter. When he went, he kept quiet and didn't talk funny. Most of the time, he tried to wear shoes. Usually they gave him a cookie. They stopped giving him cookies when he was older. It didn't matter. The people in school were funny. He knew they couldn't pick 18 hampers of beans a day like his Daddy.

School wasn't one of the good times like when he was with his family and the people, in the fields, or sitting around the camp at the end of the day.

When there was work, the people were happy. Oh, they'd talk about the Man and how cheap he was. But there was food and his Daddy would buy things for the truck. Once in awhile, he'd even buy a few pretties for his mother, or sweets for the kids.

When there was work, his Daddy worked, his mother worked and he'd join in with them, helping, just like he was grown and big. It made him very proud to work beside them.

His Daddy didn't say much working. But sometimes, his mother would hum something from a long time ago. He liked that. And sometimes, his Daddy'd stop and straighten up, looking down at him to say, "Mother, we've got a fine little man working beside us." He liked that, too.

He quit going to school in the sixth grade. It didn't matter. He knew his letters and he could figure sums, even though he sure couldn't understand all the comments.

of teachers, or the number of strange children beside him * * * so many faces, so many strange people, so many strange days.

He didn't just up and quit school. It was just that one day, he didn't go. It was the same the next day. The school didn't care. They figured he'd just moved on down the road.

About two weeks later, his Daddy noticed it and said, "You ain't been in school." And he said, "I ain't going back." And his Daddy said, "I guess it's right." His mother didn't say anything. There was work to be done.

When they were lucky and had a good Bossman Foreman, he would work in the fields all day right with his parents. That was good because he made fair money, getting paid by the hamper, or the row. 'Course he didn't make as much as his folks, but it was a help. They'd let him keep the silver of his earnings. He got paid at the end of each day, just like his mother and Daddy. He felt proud giving his Daddy the money. Sometimes his Daddy'd punch him in the shoulder and they'd wrestle, his mother looking on and laughing with the younger children. He was getting stronger and he'd test his muscles against his Daddy.

And so the years passed like signboards on the highway. One day, he heaved his Daddy to the ground while wrestling on the dusty ground of a camp in New York State. His Daddy lay there and laughed with pride.

By then, the good ol' truck was gone. They didn't travel as much. They were living in South Bay in western Palm Beach County about seven or eight months of the year. His mother stayed there year-round with the younger children. He and his Daddy went upstream around the first of June with his younger brother. They traveled with a Crew Chief who got them work and had seats for them in a bus. They'd come back home around the end of September. It was better than before.

He got married when he was 18. He met her in Griff's Bar, which is where you go in South Bay. She was fine. He loved to hear her laugh. For a long time, he was afraid to touch her. She was so tiny, even though she'd always worked the fields with her Daddy and mother just like him.

They had a fine party the day of their wedding. There was whisky and wine and cake and ribs and all kinds of fine things. His mother cried and he was surprised at how worn she had become.

That was back in the late 50's. He and his wife got a two-room place for $6 a week. It didn't have any furniture, but their families gave them a bed and a few things. The water was outside with the toilets. His wife cooked on an ol' bottle gas stove an uncle had sold them for $12. The bottle gas was extra. It worked fine.

They left the two-rooms that June to go upstream for work. His wife had joined the crew with him and she worked the fields at his side, just like his mother, just like hers.

They were in Virginia when his wife said there was a baby coming. He ran over to where his Daddy and his younger brother were staying with some of the others. We all then went to the store and bought some beer and had a fine night.

Her time came the next year when they were in New York. She was big and panting next to him, working beneath the sun. Suddenly she groaned and he understood. There were other women working in the field. They helped. She screamed a lot and the Bossman Foreman came running to ask the Crew Chief what the hell was going on. The Crew Chief told him and the Bossman Foreman went away quiet.

When they returned to South Bay the following fall, they carried their son. And he was the first of four. Two of the others were born in hospitals, but that was a hard thing because he had no credit or cash.

Their voices were harsh in the hospital. But it was clean and he couldn't hear the screams. That's why he didn't say anything the times they called his wife a "charity case." He just took it, like his mother and Daddy had told him so many times, "Your lot's hard and you got to bear the load."

He wasn't sure why, but somewhere along the line, things began to change. Pay was better and he was getting a lot better than a dollar an hour. And with his wife working beside him, there was pretty good money. His mother watched the kids now because she was hurt she couldn't work too well. But something was wrong. Sometimes, he'd shake his head like a horse shooing flies . . . trying to figure it out. But he couldn't.

The stream moved on, flowing northward each spring and south each fall. He floated with the stream, pushed along by the tide of people . . . moving from field to field and camp to camp in the summer, rising in the pre-dawn darkness, moving out, working the fields, returning at the end of the day.

Pretty soon the years didn't matter and his life became measured by the flow of the stream . . . north and south, day-to-day.

His wife traveled with him to work because they needed the money. His children remained with his mother in South Bay. He sent money home to pay the rent. And he paid the Crew Chief for the countless rooms he and his wife slept in when the stream was moving north. He also paid the Crew Chief a portion of their earnings because he had found them jobs and taken them there in his bus. That was fair. That was part of being in the stream.

And so the stream flowed. When it stopped, they worked. When there was no work, they waited for the stream to flow . . . nervous about food, fearful of unpaid rent, fretful over clothing. At times like this, it was hard to sleep. Maybe that's when he took to dropping by the bar to settle himself and ease his mind. Maybe it was earlier than that. He wasn't sure. If a man didn't work and he didn't sleep and he didn't eat, a man usually dropped by the bar . . . or so it seemed.

The bars were a help.

By day, they sat baking beneath the sun, battered by time and humanity, stained, sagging and empty while the people worked the fields.

At night, they became temples of magic and refuge.

These are not Main St. bars, air conditioned worlds of comfort, with gleaming cars silent and waiting for their pink and polished owners.

These are places back aways and down the road.

And always inside is the odor of countless yesterdays and people . . . the smell of a hard day's work and a long road traveled.

He could come here with a day's worth of bills in his pocket and the dirt of the fields on his back. He could get himself a quart-of-45 or a bottle of Ripple-wine, with paper cup and a dish of ice thrown in.

He could put some silver in the juke box and hear some fine James Brown sounds.

And after awhile, a magic thing would happen. He could lean back and laugh, now the baddest dud in town, now among friends, now strong and handsome.

He'd found the music and the magic always works.

Tomorrow will vanish and yesterday will disappear.

Doesn't matter if the Bossman Foreman's truck passes outside, farm letters stenciled neatly on its side, the sleek barrel of a 12-gauge pump glistening from a gun rack mounted over the rear window of the cab.

Doesn't matter at all if the truck slows and stops while a figure peers from the cab to shake its head in disgust and spit in the dust of the street.

Doesn't matter at all if the figure mutters, "Damn fools ain't got no sense at all," before the truck moves away into the darkness beyond the pool of magic light around the bar.

Doesn't matter at all because everything's fine-as-wine and tomorrow will never come.

But tomorrow does come and the trucks rumble to the loading ramp, always there to take him to the fields for another 10 hours . . . sunup to sundown, $11.70 a day.

Through it all, the stream moves and stops and moves on. But always, the stream returns to Florida, because this is the home of the stream.

And this is his home.

He knows this. It is part of his world. It is the end of the stream. So he moves with the stream, but always, there are the magic nights and the bars, times of when it doesn't matter.

Why should it matter? He stopped asking that question a long time ago. His parents taught him. The schools taught him. His marriage taught him. The birth of his children taught him. His endless parade of employers taught him. Everyone taught him. He accepted. It was part of his world.

Finally, there came a morning. His Daddy was dead when it came. His mother was spending most of her days singing songs from long ago. Her nights were spent in moaning.

His wife had come to look at him with fearful eyes.

He awoke to taste the dregs of night in the pre-dawn darkness. He turned and spit in anger, saying "Hell, I ain't going to work today."

His wife heard him, but said nothing.

He didn't work that day, or the next. And soon, it was just as it was when he left school.

It just seemed to be the natural thing for a man to do. Nothing mattered any more . . . nothing at all.

That first morning of dregs, a Bossman Foreman might have noticed his absence. He might have wondered once more, "why all these workers are such lazy no good folk, unable to put in a decent day's work."

He would shake his head in disgust, turning back to the figures bent in the fields.

If the Bossman Foreman had noticed, this might have happened.

But in any case, there remained one more body, defiantly choosing not to care lying in a bed that had known a legion of similar bodies.

Born and raised to manhood, he is of the Florida agri-ghetto. And there are more than 100,000 of his world.

This is one story of that world. But the Sioux Indians have a saying: "There is only one man and his name is all men."For this reason, this story has no end.

THE LEDGER,
Lakeland, Fla., July 18, 1970.

Sen. WALTER F. MONDALE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SEN. MONDALE: Polk County, Florida, is the world's citrus center. Our county produces more oranges than all of California.

The industry's headquarters is here and it is the backbone of our economy.

For most people who live here, citrus means Anita Bryant's smiling face on television commercials talking about the "Sunshine Tree" and explaining that "A day without Florida orange juice is like a day without sunshine."

But there is something else here that most people are not aware of—25,000 men, women and children who are the industry's major labor force and who live in despair and poverty that should shock the conscience of all Americans.

The migrant workers have been with us for many years, but for the greater majority of Polk Countians and most of the rest of the nation, they have been invisible.

They live on nameless dusty roads behind the massive citrus groves—far from the mainstream of life. Few people realize that behind those beautiful rows of trees live "the poorest people in America," as Edward R. Murrow described them in 1960.

One year ago our newspaper began a study of the migrant workers. We concluded it this spring by accompanying NBC's documentary crew on a two-week tour of migrant camps in Polk County.

NBC aired its report, "Migrant: An NBC White Paper," last Thursday.

We choose the week preceding the show to present our report, "Migrants: Society's Invisible Victims." We believe NBC accomplished a courageous public service in accurately portraying the plight of the migrant.

In our report we tried to go farther. We showed the migrant's condition, the history of attempts to improve his life and discussed possible solutions to this national problem.

We are enclosing a copy of our report because we believe you may be in a position to influence the future of the migrant worker's life.

If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

OTIS O. WRAGG, III,
Managing Editor.

[From the Ledger, Lakeland, Fla., July 13, 1970]

MIGRANTS: AN INVISIBLE ARMY OF 25,000 LANGUISHES IN POVERTY IN POLK

(By Ed Domaingue)

"I'm a bum, nothing but a bum.

"That's why I left school and I won't go back for nothing. It makes you feel cheap when you can't buy lunch at school, it makes you feel like a bum.

"I ain't like other kids. I don't have the things they do. Kids make fun of me when I had to go barefoot 'cause I didn't have any shoes. It makes you feel different.

"There was too much fights all the time, too much trouble. We have to change schools too much. I was older than the other kids, they was only 13 and some 14.

"I hate Florida, it's a bad state. A lot of other people hate Florida. Every person here hates Florida. We came here to pick oranges. We were way up in Michigan and we were living real good until we came here.

"I'm just a bum."

Jackson Bowers is 15-years-old. He lives in Eloise with his family, in a fly-covered, dirt-encrusted, two-room duplex apartment renting for $20 a week.

Eight persons share the apartment at the end of the road on the wrong side of the railroad tracks.

Jackson's parents are migrant fruit-pickers. They follow the crops, moving from north to south and back with the change of seasons.

He and his parents are members of the invisible army of workers who labored to harvest the 179,300,000 boxes of citrus fruit produced in Florida last year.

Ernest Jarvis is 39-years-old. He looks 60. He lives in one room of a three-room, crumbling, filthy concrete block structure. He shares the building with two other men. It has no windows and the front door is broken off the hinges.

NO ELECTRICITY

The room is five-feet by 12-feet. Roaches and spiders are everywhere. The only light is in Jarvis' room, but there is no electricity. An extension cord from a nearby dwelling furnishes power to the bare bulb.

Jarvis lives in the middle room. In order to get from his room to the rear room, it is necessary to climb over the cushion-less sofa he sits on when he reads his paperback novels.

The room is furnished sparsely, with only a bed devoid of linen and the broken-down sofa.

He pays $20 a week for his room, and as an added dividend, the landlord supplies one meal a day—generally beans, grits or porridge.

He worked three days last week "because that's all the work there was."

For his back-breaking, nine-hour-a-day labor, he earned $38.50—before deductions.

He is in debt. He owes his "bossman" $55 and his landlord $100 because "times been pretty bad. I ain't been able to get a lot of work."

Of his situation, he says philosophically, "I ain't been able to pay my board money for the past four weeks. I only worked one day this week and if I'm lucky, I might be able to work tomorrow.

"Maybe I'll make $30 this week, but I could wind up with only $15—you never know in advance what you're going to have. If we don't work, if there isn't any work, you just don't get paid.

WELFARE DISLIKED

"I never tried welfare. I have always been able to take care of myself. I prefer to work, I like to earn my own living. I'm going to try and work and earn my own way as long as I can," he said.

Ernest Jarvis is one of the 25,200 migrants who were responsible for removing 44,683,000 boxes of citrus fruit from trees in Polk County last year.

He, like the Bowers family, lives at the end of the road—this time, Hobbs Road in Auburndale.

His possessions are few; his bank account non-existant. He does not drive a car; own a television set; or live in the suburbs.

There are, according to The Florida Department of Health and Rehabilitative Services, 25,000 migrant workers living in Polk County during the height of the citrus harvesting season.

With little variation, they live in conditions of unbelievable squalor and deprivation well outside the mainstream of American affluence in the 1970's.

It is impossible to draw a portrait of the "average" migrant family—but more often than not, they have too many children; live in too small an apartment or deteriorating mobile home; pay too much rent; have neither enough clothes nor enough food; and have less than $5 in their pockets.

They are much written and talked about, but little is ever actually done to help them.

Exposes on the conditions forced upon migrant workers have shocked and saddened the nation with almost monotonous regularity—but conditions today remain virtually the same as they were 10 and 20 years ago.

VIRTUAL SLAVERY

The migrant lives in virtual slavery, or, at best, serfdom.

During the first session of the 91st Congress last year, a "shocked and saddened" U.S. Sen. George McGovern (D-S.D.) rose on the Senate floor after a tour of migrant country in South Florida and said:

"I think we have seen once again that many of our citizens are existing without the barest necessities of life, including the most urgent need of all—a decent daily diet.

"Some have survived on bad diets so long that they don't even know what it is to be free from hunger and malnutrition.

"We have seen diets and living conditions . . . that one might expect to find in Asia not in America. Most of the cattle and hogs in America are better fed and sheltered than the families we have visited . . .

"We saw families with six, eight, or 10 children living in one or two-room shacks, not fit for animals—windowless—rat-infested—without water, plumbing or electricity—shacks for which the landlord collects $12-$15 a week rent each.

"We saw empty iceboxes and iceboxes that didn't work, with fatback, beans and lard the only thing stored in them.

"We saw children with the blank, expressionless stare of hunger on their faces—children not yet old enough to go to school who, when asked what they had for breakfast said 'grits and coffee'—for lunch, 'beans and coffee'—for supper, 'beans and coffee'. Many could not remember when they'd last had milk," he said.

U.S. Sen. Walter F. Mondale (D-Minn.) accompanied McGovern on his tour.

SHOCKING POVERTY

On the floor of the Senate upon his return, he said, "There are times in the life of a public official when he is brought face to face with the shocking reality of hunger and dire poverty. I have just had such an experience . . .

"The people I talked with travel the length and breadth of our land in search of jobs. They do not know what it means to have a place called home, or to have their children enrolled in no fewer than three or four different schools every school year.

"They're the dispossessed and the disoriented—people who are chasing the American dream, but destroying themselves and their families in the process.

". . . It is the faces of listless and undersized children that I can not get out of my mind—faces which stared straight ahead, indicating no comprehension of the world around them.

"I could see the result of many years of malnutrition and sordid living conditions in the parents of these children. It is not over-dramatic to characterize their existance as a shadow-life—hemmed in by poverty in its most extreme form and yet too weak, too ill and simply too worn down to press for change," he told his colleagues.

Hunger in America. Illness in America. Poverty in America. Desperation in America. Fear in America.

It sounds like a picture of someplace else, far away—indeed, as Sen. McGovern said, like conditions one might expect in Asia, but not in America.

NO RELIEF IN SIGHT

But it is here—right here in Polk County.—There is desperation and destitution on a scale staggering belief.

The story of the migrant worker in middle-class, rural Polk County is not a happy one, nor is it even a sad one with a happy ending, for there appears to be no relief in sight.

Polk County is often billed the "Phosphate Capital of the World." Many people work for a meager living in that industry, but few are without the income for the necessities of life.

The situation is not the same for another segment of the economy—the one which produces more citrus than any other place in the world.

Few Polk Countians pick fruit. Most of the labor is done by "outsiders"

Even those who actually live in Polk seldom are considered an integral part of the community.

They are poor: they are dirty; they are uneducated; they are invisible and many people think they are lazy—they are there to be exploited.

In more than a year of research The Ledger has been unable to find one migrant worker that lives comfortably the year 'round by picking and harvesting the citrus crop.

The story of the migrant worker and the parallel story of the migrant stream, descriptions of desperation and despair—stories that often begin and end in Polk County.

The invisible world of the migrant worker exists in Lakeland, Winter Haven; Frostproof, Eloise, Wahneta, Eagle Lake and in uncounted unincorporated areas and in migrant labor camps virtually every nook and cranny of the county.

It is hard to imagine the degree of poverty that exists because the average citizen seldom enters the migrant world. It is hidden from public view down dusty roads and behind citrus groves miles from major highways, cities or towns. Few would believe the structures, without running water, toilet facilities, paved streets, windows, screens or doors were inhabited by human beings.

Government officials have long turned a deaf ear to the problems of migrant workers, and the citrus industry often paints a picture far rosier than is factual.

The attitude most commonly expressed is, "I worked for everything I got, so why can't they?"

Many reasons are obvious, others are not.

The average migrant worker interviewed by The Ledger was almost illiterate—few finished high school and the majority were born into the migrant stream, even as their children have been.

FOLLOW THE SUN

When the crops are in, it is necessary to move on, to follow the sun.

"I ain't got no choice, my family and me just got to keep going. We ain't got no money saved when we're done picking fruit, we can't never get ahead. We got to keep going or we'll starve," Norton Brown said.

Brown lives in Haines City, when he is in Polk County and when he can find work. He is married. He and his wife have 11 children. They are migrant workers, looking for some way to get ahead, hoping someday to find a little better life for themselves and their children.

For many, the search is endless . . . and futile.

One person in 10 in Polk County during the height of the citrus season—from November to January and from late February to mid-June—is a migrant worker.

The statistical picture projected by state agencies and "assistance" groups is sterile—it tells nothing of the individual, of the families, or of the actual conditions.

Roughly 65 per cent of the state's agricultural labor force is migratory; 17 per cent is seasonal; and about 17 per cent is permanent, according to preliminary figures of the Florida Migratory Child Survey Project, sponsored by the State Department of Education.

The white migrant family has a male head of the household 80 per cent of the time, while the Negro family has a male head only 51 per cent of the time. The average migrant worker has been following the stream 11 years and frequently stays in Polk County six to eight months of the year.

Because children of migrants are likely to drop out of school at an early age, illiteracy combines with poverty and dispair to overpower them.

HEALTH PROBLEMS

Health problems among migrants are severe. The Polk County Health Department wages a continual battle against tuberculosis, syphilis, nutritional and general health disorders—but language and cultural barriers are often unbridable.

Migrants are victims of a society that is moving in a direction different from their own; all that supports them today are the swirls and eddies created beside the mainstream.

Superstitions and curiosity boil around him because precious little is really known about him, his family, or his life-style.

Being poor and with little education, he is easy prey for unscrupulous peddlers, landlords, crew leaders and employers. He is concurrently the fabric of a social structure that gives little emphasis to respect of property and contracts.

He is elusive and a poor credit risk, so he pays high prices for everything. He is generally cut off from legal recourse, so he may never see the wages or conditions promised him by recruiters in the north and south—the ones who frequently most benefit from his servitude.

Employers and governmental agencies say the migrant worker is unreliable—that he is likely to walk away from a job or a payment book without explanation or advance warning.

The citrus industry and state officials claim the migrant is better off in Polk County than anywhere else in Florida.

Citrus is the best paying crop still harvested by hand and it accounts for approximately 40 per cent of Florida's ployed migrant population.

Employers can earn up to $19.50 a day if they are men, $10.50 a day if they are women—three dollars above the average agricultural wage for women and four dollars higher than the average income for male migrants.

FIGURES UNRELIABLE

But, the realibility of the figures is questionable; migrants interviewed occasionally admitted it was possible to earn that much in a day, but few admitted ever coming close.

Few said they ever earned as much as $15 a day, "and only then when things was good."

Life among the migrant workers is hard.

"This country couldn't be no rottener," 64-year-old Carl McElvery said between chomps on a plug of tobacco. The old man lives in Eloise.

"Hit's about to blow now. Been holding the little man down too long," he said.

Who really is the migrant worker? And what is he all about? Is he just a man without a face who picks the fruit served on the ocean front terraces of posh summer resort hotels or is packaged neatly in long, colorful freezer rows at the neighborhood supermarket?

He is Jackson Bowers; Jackson's parents; Ernest Jarvis; Carl McElvey, a pensioner; four-year-old Terry Heflin of Dunnersville, Ala.; and two-year-old Bridgit Hayes of Lake Hamilton, who sleeps with her seven brothers and sisters in two rickety beds in a three room flat with no inside plumbing.

The migrant worker is a man of the earth, picker of everything, possessor of nothing. He is a man without a home in a countryside whose rich harvest he gathers but seldom does he share the benefits.

SORROW, FAILURE

John Steinbeck, in the "Grapes of Wrath," said:

"There is a crime that goes beyond denunciation. There is a sorrow here that weeping cannot symbolize. There is a failure here that topples all our success."

This is the story of the migrant worker: why he is, what he is, where he is, what is being done to eliminate his plight, and what needs to be done before the weeping and anger can subside.

THE MIGRANT STREAM IN POLK

The typical Polk resident has a full-time, year-round job, has lived in the same home for several years and owns his own automobile.

He has electricity, hot and cold running water, indoor plumbing and at least one charge account with a big department store. His children do not have everything they want, but they have everything he thinks they need.

The family laundry is done at least weekly in the automatic washer at home. It may be dried in an electric dryer. This home has rugs, maybe carpets, windows and screens. If the toilet won't flush everyone expects it to be fixed within 24 hours.

Children in this house go to school all day, every day, unless they are sick. In that case, they see a doctor and faithfully take the medicine he prescribes.

Any man who heads such a household is rightfully proud of the fact that he works hard to provide for his family. He is secure in his belief that his children's lives will be at least as comfortable and rewarding as his own.

He knows that the migrant worker often does not have all of these advantages, but he may not realize that many migrants yearn for the stable, secure life of the typical Polk citizen.

Permanent residents normally have little understanding of the forces which hold workers in the migrant stream. No one who spent his entire childhood in one community can grasp the desperation of a boy who, at 15, is already convinced that life is a hopeless struggle.

Middle class people underestimate the overwhelming tendency of childern to live the same kind of life as their parents. The insurance man's son is no more likely to become a fruit picker than the migrant's son is likely to become an insurance salesman.

If migrant crew chiefs recruited middle class teenagers to work the groves and follow the season, average adults would be vitally interested in conditions in labor camps. This is not the case, however. Average citizens know little and care less about the 25,000 men, women and children who harvest Polk's annual citrus crop. These workers might as well not exist as far as most of Polk is concerned.

They do exist, however. They are the foundation on which Polk's prosperous citrus industry rests. Without them, Anita Bryant would have little to sing about in the lilting orange juice commercials.

The Ledger has studied the migrant situation for a year. Today we present the first of a five-part series on that study. We are committed to the principle that each citizen has the right and the duty to know as much as possible about every aspect of his community.

We hope this report will add to the average citizen's knowledge of the little-known problems of the migrant worker in Polk. Only with such broad information can the voter intelligently choose among the candidates and programs which vitally affect him and his neighbors.

[From the Ledger, Lakeland, Fla., July 13, 1970]

FEAR, MISTRUST GREET THE LAW

The call to the Polk County Sheriff's Department from the emergency room of Polk General Hospital was typical. It began an inquiry which ended abruptly against the roadblock of misunderstanding and fear.

"Please send a deputy to investigate a possible aggravated assault."

The victim was Juan, a 28-year-old migrant worker. He had been beaten and stabbed several times. His wife and a friend brought him to the county hospital.

Juan had a bad cut under his left eye and a very deep gash in his back. Part of one ear was hanging on a slender strip of flesh. The medical report was not encouraging.

His wife, Marie, waited in silent fear for the deputy sheriff to arrive. She was very pretty, with black hair and a soft complexion. She was soft-spoken and illiterate.

Because she was unable to spell her last name, the deputy copied it from an identification card she carried. She was terrified of the deputy, but she told him haltingly of what had happened.

Juan was playing cards with her brother and another man in the "singles" cabin of a Lake Hamilton migrant camp, when, according to Marie, her brother and the other man set upon her husband.

Juan was brought to the hospital by Michael, a friend, in an old broken down red labor bus used to carry workers to and from the groves.

Michael substantiated Maria's story. He said he was called to bring her husband to the hospital.

The deputy asked Maria if she would sign a warrant so he could arrest the two men who attacked her husband. She didn't understand the question. The friend translated.

"I don't know," she said, quietly suspicious. She said she should ask Juan first.

"Do you want these men to go free and hurt other people . . . maybe you'll be the next one," the deputy said.

"No, I don't know . . . Yes, I'll sign," she said haltingly, in broken English.

She made a move for the deputy's pad, thinking she only had to sign the report he was filling out. The deputy stopped her. He explained she would have to see a judge to swear out the warrant.

One of the emergency room nurses interrupted, Juan has passed out in X-ray. His blood pressure had dropped. The nurse said Juan might not recover.

After hearing this, the deputy decided to arrest the two accused men immediately. He asked Michael if he would accompany him to the labor camp and identify the two accused men. Michael refused.

He said he "couldn't take sides." While the crew leader was in Texas, Michael had to keep order and do nothing to divide the crew. If he told the law what happened, his workers would be angry. They would probably lose faith in him.

Juan regained consciousness. He was allowed to talk to his wie. She then told the deputy she wouldn't sign the warrant. It was her husband's order.

The deputy talked with Juan. Juan said he felt fine, did not know what had happened to him, did not know who had beaten him up.

"Who was it?"

"I don't know, leave me alone."

No complaint was signed, no warrants issued, no arrests made—Juan recovered. But by all odds, the attack on Juan was avenged and the guilty suffered.

This kind of violence rules the life of a migrant farm laborer; a different system of law and order prevails. There is distrust of the uniformed lawman.

During the fruit season, Polk County's migrant labor force accounts for a higher percentage of law violations and arrests per capita than does the rest of the county.

In an average two month period, records kept by the Polk County Sheriff's Department last year showed 406 bookings at the county jail at Bartow out of 1,321 arrests were of people who listed their occupation as "citrus" workers.

That's 30 percent of the bookings from less than 10 percent of the population.

The percentage may be higher. The jail records only show what occupation the prisoner may want to have put down, and many "laborers" may actually be migrant or farm workers.

"I'd guess about 35 per cent of our calls on a year-round basis are from what you'd call migrant or citrus workers," Polk County Sheriff Monroe Brannen said.

Most migrants are arrested Friday and Saturday nights—for drunkenness and related offenses.

Crimes of violence are also far more frequently committed by the migrant—the law of the knife and the gun prevails in the close proximity of labor camps, shabby hotels, closely packed, run-down shacks.

[From the Ledger, Lakeland, Fla., July 14, 1970]

Some Days You Work and Eat—Some Days You Don't

(By Ed Domaingue)

Zebe D. Bonner is a migrant worker. He picks oranges and grapefruit for one of the largest fruit processors and concentrate producers in Polk County—the Minute Maid-Coca Cola Company.

He labors from 10 to 12 hours a day on a ladder in a grove, picking oranges under a boiling, brutal sun. He works four, five and seven days a week . . . when there is work. Often though, there is none.

When that happens, he is simply informed not to report to work that day—the fruit isn't ready to be picked; too much was picked the day before and the plant is "loaded down"; it is raining.

He lives at the Minute Maid-Coca Cola Company labor camp in Frostproof. He is invisible to most Polk Countians.

Bonner furnished The Ledger copies of his pay slip for three successive weeks in March. Each pay slip identified Bonner and carried the Coca Cola Company Food Processing Division trademark.

One week Bonner worked 32 hours, earned $30.47 and, after deductions for "board," took home $14.82—for 32 hours work.

The following week, Bonner worked 33.35 hours—"Because that was all the work there was"—earning 31.75. After deductions for board, he took home $6.10. The third week he worked 25.5 hours, earned $24.47, stopped having deductions for board taken from his pay check—"because I couldn't live"—and took home the $24.27.

Bonner considers himself lucky—at least he doesn't have to pay rent. The living quarters furnished him during the picking season by Minute Maid-Coca Cola are little more than a bunkbed surrounded by three feet of space on either side.

The building is well kept, clean and attended 24 hours a day. The barracks-style structure is not pretty, but it is adequate.

Last year, 44,000,000 boxes of citrus fruit were picked from Polk County trees. Polk led its closest competitor in citrus production, Lake County, by almost twice the volume.

The five top processing plants in the county are Minute Maid-Coca Cola in Auburndale; B. C. Cook and Sons in Haines City; Adams Brothers in Auburndale; Mutual (Edward's) Harvesting; and the Haines City Growers Cooperative. There are more than a dozen others.

Minute Maid is one of the largest fruit processing and concentrate companies in the country and the company owns the largest labor camp in Polk County. The reason is obvious.

Minute Maid needs approximately 2,000 fruit pickers every single day there is fruit on the trees to pick the 1.5 million oranges processed by the Auburndale plant every day.

The company uses 14 million gallons of water washing and processing 60,000 boxes of fruit—fresh from the tree to your neighborhood grocer—every single day during the height of the citrus season.

HAND PICKED

Every single one of those oranges must be picked by hand—there is no mechanization in fruit picking.

Men like Zebe Bonner earn 35 cents per box—and a box usually contains 300 oranges. They work when the company says work; they stay home when the company says stay home.

There is no predictability in either living or working conditions if you are a migrant laborer—one day you might have work—and food—the next day you might not.

One week you might work six days, earning $75, and the next week there might not be any oranges to pick or only one or two days work—if you're lucky you might earn $30.

Mrs. Leith Ann Bridges and her husband are both migrant workers and they live with their family in Coca Cola's Frostproof labor camp—in a section set aside for families, separated from the barracks Zebe Bonner lives in.

Mrs. Bridges and her husband have worked for Minute Maid-Coca Cola for 12 years. They live in a small house, a drab green, four-room wooden-frame structure.

NO PLACE TO GO

They share the house with their seven children and grandchildren—a married daughter, pregnant and separated from her husband, lives with them. She has no place else to go.

At 49, Mrs. Bridges said she can no longer go into the fields seven days a week like she used to. She has been forced to cut down, to four or five days a week now, and she can only pick five or ten baskets of fruit per day at .35 cents per basket.

"Sometimes we get enough money and sometimes we don't. I owe quite a bit of money right now and there ain't much else we can do but keep on working. I don't know how much longer we'll be able to hold up though, this is real hard work.

"Things been pretty bad. I tried to sign up for surplus (food) commodities, but haven't been able to yet. They keep telling me to come back later, but I lose a whole day's work going over there to Bartow to sign up. We ain't been able to get no help at all," she said, with a sign of resignation.

The small, approximately 20 by 35 foot, four-room house the company furnishes the family is too small and you can't keep it clean, no matter how hard you try."

JUST TOO SMALL

"These houses is just too small. Maybe they're alright for a husband and wife, but they ain't no good for eight or ten people. And you can't keep them clean. I try all the time, but it just can't be done. Everything is all dirt around here," she said.

Mrs. Bridges and her family know what it is like to go to bed hungry. They have experienced being without food for themselves, for the children. They have experienced being without the means to purchase any.

"Sure, we been hungry before and we ain't had enough food. We been pretty lucky, really, though, we pretty much all the time have something—either some grease and bread to soak in it, or some beans or some mashed potatoes. You can't always get what you want, but you can pretty generally get something to fill your belly," she said.

Mrs. Bridges is indeed fortunate—at least she and her family are certain of having a roof over their heads for as long as she and her husband, or their children, can labor in the fields for Minute Maid-Coca Cola.

Minute Maid-Coca Cola Company provides housing for 365 men in its barracks-type structures in the Frostproof quarters, men like Zebe Bonner. The barracks, according to C. C. Giddings, labor service manager for the company, is one of three camps in Polk County maintained for migrant workers.

Housing for 31 families, like Mrs. Bridges and her children, is also provided at the Frostproof camp. All of the facilities have access to centrally located bath and showers. The company also provides transportation for its workers from the city of their recruitment to Polk County and back again at the end of the season.

A similar labor camp, owned and operated by the company, is located in Auburndale, near the company's processing and concentrate plant.

Giddings said men like Bonner, for their $15 a week, are fed cafeteria-style morning and night, with a bag lunch of four sandwiches and a sweet cake and milk in the fields.

NO WOMEN ALLOWED

No women are allowed in the barracks area, though. If a fellow has a girlfriend and she wants to pick him up, "That's their business," Giddings said, but she isn't allowed to "hang around the camp."

Women precipitate crimes of passion; women instigate violence, Giddings said. Though the housing is furnished free, there are still many residents of Minute Maid-Coca Cola's Frostproof camp who go hungry—there are many families like Mrs. Bridges' with a lot of children and a small income.

Housing conditions at the Frostproof labor camps are a lot better than most migrant workers can expect in Polk County.

Only 400 of the 25,000 workers can live at the Minute Maid-Coca Cola camp. The rest must rely on the available private housing. And many migrant families can't even be sure of having a roof over their heads.

During the height of the citrus season, a migrant laborer and his family can count on paying between $12 and $25 per week for a two or three-room shack without inside plumbing, toilet facilities or screens on the windows.

They live in squalor; in shoddy, vermin-infected shacks unfit for animals.

The migrant worker, often dirty, generally uneducated, frequently illiterate, normally unskilled, has little to bargain with. He is easily victimized; he has no recourse but to submit, move on or go hungry.

HOBBS ROAD

In Auburndale, at the ends of Hobbs Road where Ernest Jarvis lives, there are two rows of seven concrete block buildings. Each of the structures has fallen into a state of disrepair. Many of the outside toilets do not work; few of the buildings have either electricity or running water.

Both families and individuals, both men and women, live in the vermin-infested shacks. A man or a woman, living alone, pays $15 per month for one room—five feet wide by 12 feet long. All the rooms contain is one bed. The mattresses, like the rooms, are damp and musty.

Spiders and roaches are everyhere. The doors don't work—most are off their hinges. There are no windows. During the day, when the temperatures rises it is impossible to stay in the rooms. The mercury creeps past the 100 degree mark daily.

But at least the roof doesn't leak—"It's a roof over our heads. We ain't got no place else to go, we gotta stay here. But don't use my name please, the landlord, he's a mean man," one male migrant fruit picker said.

He comes back to Hobbs Road year after year—it is the closest thing to a home he has.

In Eloise only the town and the street are different—housing conditions and rents are the same. Deteriorating house trailers, are renting for $20 a week to migrant fruit pickers. Most lack inside plumbing, adequate sanitary conditions, screens on the windows, and often doors.

RAILROAD ALLEY

In Haines City, the name of the street is Railroad Alley. The two-room cabins, without toilets, running water or electricity, have been condemned for more than a year, yet people are still living in them, still paying from $15 to $20 per week to an absentee landlord who has not been in Florida for several years.

The late James P. Mitchell, a former U.S. Secretary of Labor, often expressed concern over the conditions imposed on the migrant labor force.

He once said, "Migrant workers . . . (are) caught up in a cycle of life in which poverty breeds poverty, their children are denied the educational and other opportunities to improve their status. To this end, the migrant worker and his family must be given the same protection of the same type of social and labor legislation that now applies to all his brothers."

But the cycle of exploitation and poverty goes on—and the examples in Polk County are endless.

Last January, Clifford "Slim" Herndon made an agreement with M. R. Mizell, owner of the Rifle Range Bar in Wahneta and of 10 dilapidated dwellings out back. He agreed to be the handyman about the place to work off his $12.50 per week rent and "earn a little extra money."

'AIN'T PAID ME'

Herndon said of the deal, "He agreed to pay me a dollar and a quarter an hour but he ain't paid me a god-damned thing, not since January 5th."

He's been eating with another camp resident, Sid A. DeNike, who rents one of the better shelters in the place for $12 a week. After seven years as a resident of the camp, DeNike has the place he wants.

It has plumbing, a kitchen and a bedroom separated by a bath. The shoddy structure, is of concrete block—more durable than the tarpaper and tin shacks so frequently found in migrant camps.

DeNike, who claims he is a retired etymologist—and knows how to pronounce it—picks fruit when he can. He speaks disdainfully of the other residents of the camp.

"They lived like god-damned hogs. I keep this place clean," he said.

Several of the units in Mizell's camp have stinking toilets—they stink, because the toilets have inadequate septic tanks and do not clear when fluished.

Even though this is strictly against State Board of Health rules governing sanitary conditions for labor camps, nothing can be done. The law defines a labor camp as having 15 or more residents, and for Mizell's camp this would be hard to prove.

There are only 10 dwellings in the camp and most people living there stay alone.

SLIPPED DISK

Across the way from DeNike's, Lester T. Troupe of Opa Locka, Ala., languished with a slipped disk, in a trailer body eight by sixteen feet. He fell from a grove ladder last Spring and "messed myself up real bad."

A painter and carpenter by trade, Troupe came to Florida last year to pick fruit. Prior to that, he "and another boy had us a place way out in the swamp" in Alabama, where they poached deer and were scraping out a fair living, avoiding the game wardens and eating venison.

He talked to a stranger while lying flat on his back, a brace resting on a ratty chair next to his bed. Don Specks of Lanier Fruit Co. was due to take him to the doctor again later in the day and the company would take care of the cost.

Lester T. Troupe was lucky; a number of companies would have abandoned him. He still was not protected by either unemployment or workmen's compensation.

But housing and wages are not the only area in which migrant workers are exploited.

Many people living in ghettoes and migrant camps often can't leave the area to go to the store because they lack transportation.

They shop in neighborhood stores were prices are usually higher but where credit is more likely to be available to the poor.

Mrs. Netti Hayes shops outside the ghetto. Merchants like Conroy's of Davenport and Russ Bargain House in Haines City.

She pays Conroy's $29 per month on a refrigerator which sits in her bedroom, since the kitchen also serves as the family room and is too small to hold the refrigerator and the television set.

At first, she said, she paid a $50 down payment. Then she was charged $12.50 for delivery when it arrived and they told her she could not get a receipt for her down payment. After it was in her home, she was told her balance due was $487, she said. She paid another $50, skipped a payment, and when she talked to representatives of the Polk County Christian Migrant Ministry, she figured her balance was $437—for a good refrigerator, not a great one.

Other payments include $26 per month for a stove and washing machine, $15 for the television, and $5 per week on her bedroom furniture, which was chipped and had a slide panel on the headboard missing when she got it for $260 from Russ Bargain House.

EIGHT CHILDREN

Mrs. Hayes is 31. She has no husband and eight children, who share two broken down beds in a crumbling three-room shack in Lake Hamilton. She pays $15 a week for the rooms and the landlord is pressuring for an increase.

She receives welfare assistance under Aid to Dependent Children—but her allotment is shrinking. In December 1968, she was receiving $221. Then it dropped to $194 per month. Now it is $179 per month.

She has attempted to help herself by picking fruit, cleaning house, whatever she can do and whatever she can get. As she works, her benefits are decreased and unfortunately, the work isn't steady.

Mrs. Hayes receives food commodities for herself and her children—but she must pay $5 for a ride to Bartow, where they are distributed, to pick them up.

Though Mrs. Hayes no longer follows the migrant stream North each year, she must care for her younger children. Her two oldest sons have already began the annual trek.

Picking fruit is something a child can do. They make the trip with their grandmother.

VICTIMIZED

The migrant is victimized where he works, where he lives and where he shops.

He is often cheated the day he is born, by the fact his birth may be unrecorded. Many migrant children born in Poly County or in some shack off the beaten track halfway from here to the next place may never be able to go to school, because their parents failed to record their birth.

The same is true as the migrant grows old. When he can no longer work and applies for the Social Security he has been paying for over the years, he often finds he does not have enough time credited to his account.

One of the favorite ruses, employed by some companies and crooked crew chiefs, is to deduct Social Security payments from a man's paycheck without ever bothering to ask him for his social security number.

More than one man has been fired when he raised questions about the Social Security deductions being taken from his paycheck when he doesn't even have a social security card.

Ernest Jarvis wasn't afraid to talk about it though. He has worked for more than one company that regularly made deductions for Social Security.

"I'm lucky now, as long as I stay with the man I'm working with. I may have something coming from the government when I retire. It ain't always been that way.

PAY DEDUCTIONS

"I worked for a lot of companies and a lot of crew chiefs that took them Social Security deductions out of my pay each day or each week and never bothered to get my number. They sure weren't sending that money where it was supposed to go.

"My guess is that they was getting it for themselves, a little something extra. Ain't much you can do. If you try to do anything, they kin just tell you to move on and you gotta go," he said.

In one respect, migrant workers in Polk County are more fortunate than those in some neighboring areas, like Hardee County.

In Polk, emergency medical service is available free with the only problems being transportation and distance to the county charity hospital. Even though the medical service at Polk General has sometimes been criticized, it is there in time of emergencies.

The same isn't true in a number of neighboring counties.

Where there is no public charity hospital, patients are often required to pay before even emergency treatment is administered.

CONSCIENCE NEEDED

In late 1964. just prior to his death, former U.S. Secretary of Labor Mitchell said, "The shameful migrant problem will finally be solved when there are enough Americans with wisdom, compassion and good sense to save their final censure for those who stand by and seem unable to find within their economy a place for conscience."

Apparently that time still has not come—the migrant worker was in the spotlight of national attention during the 1960's, many recommendations to improve his lot were made and many laws were passed to help him. Still little has changed.

MIGRANTS: HOW TO ESCAPE TRAP

Why doesn't the migrant "work his way up like everybody else instead of asking for handouts?"

This oft-asked question deserves an answer.

The simplest explanation is that, for migrant workers, the Great Depression never ended. Workman's compensation, social security, unemployment compensation, free (high school) education, minimum wage and FHA loans are virtually non-existent for fruitpickers. They did not get a New Deal like most other Americans.

Through a combination of political, economic and social factors, farm labor was exempted from almost all the public benefits listed above. Some, like public education, are theoretically available, but the migratory life itself prevents their taking full advantage of it.

Social security is supposed to be paid, but often is not. Accurate records are difficult to keep; cheating is temptingly easy. Many migrants do not have social security numbers.

Until last year even welfare required 12 consecutive months' residence to be eligible for benefits.

Having no protection, the farm laborer is little better off than a beast of burden, living in a closed economic system which has no exits. Generally ignored or misunderstood, he receives little sympathy and even less help from the community in which he lives.

The common image of the migrant as an "outsider" is erroneous. Most of Polk's 25,000 fruitpickers consider themselves Polk residents. They may be here through Winter and Spring, for six to eight months. If their children attend school at all, they go to Polk schools.

In summer, when the citrus crop is in, they may go "up on the season," North, for other fruit crops. Many never leave Florida, going South for the summer to harvest watermelons. Vegetables come in Autumn, and then the workers converge in Polk again for the long citrus season.

The expense of maintaining three or four different homes is, of course, prohibitive. Only wealthy families can afford such a luxury. Few families can even keep up mortgage payments here while paying rent in labor camps elsewhere. They rarely achieve homeownership.

Wages are low. Very little saving is possible. The unsettled migratory life is expensive. If the income were dependable as it is for most people, more migrants might be able to move to a better way of life.

The fruitpicker, however, is incredibly vulnerable. Bad weather means financial disaster. A flood or drought can bring real hunger, near starvation. In addition, he can be disabled by even minor injuries or ailments. Heavy sacks, 10-foot ladders and 100 degree temperature quickly weed out workers with high blood pressure, weak heart, sprained angle, arthritis, bad back, pulled muscle or anemia. Dust and pesticides hamper those with respiratory troubles.

There is no "sick leave" in the groves, no pay for those who cannot work.

The disrupted, disadvantaged life does not produce many scholars. Typical pickers were born into the migrant stream and have little education. Their income is so low and so irregular that they cannot start a new life. Rarely is there enough money to pay the debts, put down a whole month's rent in advance, stock the pantry, buy clothes and go job-hunting.

They would like to get out of their trap, but cannot. As one picker succinctly explained it:

"We got to keep on going, or we'll starve."

[From the Ledger, Lakeland, Fla., July 15, 1970]

TEN YEARS GO PAST BUT LITTLE CHANGES

(By Ed Domaingue)

The plight of the migrant worker became a cause celebre during the early 1960's. Much was written about him during the decade; scores of recommendations were made to improve his condition.

Little, however, was accomplished on a local, state or national level even though many of the programs recommended then have since become law.

In 1960 CBS News created a nationwide furor with a special report on the plight of the migrant and his family as he follows the crops from one end of the nation to the other.

"The Harvest of Shame," was narrated by the late Edward R. Murrow. During the show, Murrow said, "The migrant worker occupies the lowest level of any group in the American economy. The soil has produced no Samuel Gompers or John L. Lewis."

That is virtually the only thing that changed during the decade.

In the concluding moments of the documentary Murrow was standing in Belle Glade, Florida. He said:

"The migrants are back in Belle Glade, winter quarter after months of travel and work. One said he brought back a dollar and sixty-five cents; another said six dollars.

Another said, "we broke even, we were broke when we left; broke when we got back."

Murrow asked the rhetorical question, what can you do for yourself? The answer was not unexpected—nothing.

The week before the show was aired nationwide, a special Presidential Commission, composed of the secretaries of labor, agriculture, interior and health, education and welfare made certain recommendations to improve the conditions and life-style of the migrant worker.

Murrow ended the telecast with them.

IMPROVEMENTS LISTED

Here are some of them: Extend child labor laws to cover agricultural workers. Eliminate residency requirements so that migrants will be eligible for health, education and welfare programs. A Federal law requiring crew leaders to register, thus protecting migrants from exploitation—extension of Workmen's Compensation Laws to agriculture. New housing regulations—states to pay local boards for the education of migrant children.

"There will, of course, be opposition to these recommendations; too much government interference, too expensive, socialism. Similar proposals have been made before. In fact, 150 different attempts have been made in Congress to do something about the plight of the migrants.

"All except one has failed." The migrants have no lobby.

"Only an enlightened, aroused, and perhaps angered, public opinion can do anything about the migrants. The people you have seen have the strength to harvest your fruit and vegetables. They do not have the strength to influence legislation," he said.

That was 10 years ago. Very little has changed. Many of the conditions remain the same. Some of the recommendations have been enacted, but even worse now on the books have failed to relieve the misery of the nation's migrant work force—a force as important to agriculture as the soil the harvest is grown from.

Living conditions today are still deplorable. Hunger among migrant families is still widespread. Migrant children are still dropping out of school as soon as they are old enough and many still cannot get in because their parents do not have the money for a birth certificate—or can't remember where the child was born.

MIGRANT STREAM REMAINS

Today, 10 years after CBS rocked the nation, nine years after a series on the plight of the migrant worker by Dale Wright of the late New York World-Telegram and Sun rocked official Washington, the migrant stream is still winding its way throughout the country with every change in season.

Dale Wright lived and worked in the field with the migrants. He found crude exploitation, dreadful living conditions and futility of life 30 miles south of glittering Miami Beach and 30 miles from the neon lights of Times Square in New York City.

Ten years ago; nine years ago; five years ago, today—What is being done for the migrant worker on a National, State and Local level?

A number of the recommendations made by the special Presidential Commission have become law, but for a variety of reasons they have failed to have an important, or lasting effect on the migrant problem.

Labor laws covering children have been extended, in many instances, to agricultural workers and, in addition, virtually all states have laws in the books requiring children to remain in school until their 16th birthday.

But children continue to drop out of school and the law is circumvented by growers, harvesters and crew leaders. Both the state and federal government have far too few investigators to catch all offenders—and in many instances parents themselves are responsible for violations.

DROP OUT OF SCHOOL

When the family is large, the children must drop out of school, if not to work in the fields, then to stay home and babysit for younger brothers and sisters.

Many young children do not have birth certificates—they were born in labor camps or were delivered by midwives, who have little concern over whether the birth is properly recorded.

Parents and children lie, simply because to lie is expedient—the more members of the family working, the easier it is to provide the basic necessities of life.

Crew leaders are little concerned how old a child is when they are in need of workers to harvest the crop.

The second recommendation, the elimination of residency requirements governing eligibility for health, welfare and education programs, was too controversial for Congress to tackle.

It took a decision of the United States Supreme Court—made during the Court's last session this year—to strike down residency requirements as unconstitutional. Hence, it took 10 long years for the Presidential Commission's recommendation to become effective.

It will still be many months before the full effects of the decision can be realized, but there will definitely be farreaching benefits for the poor as a result of the action.

No longer will a health or welfare agency, generally funded at least partially with federal monies, be able to deny services to any poor family whether migrant or otherwise because the family is not a resident of the state or county administering the program.

The third recommendation, a federal law requiring crew leaders to register, was enacted by the U.S. Congress in the mid-1960's, several years after the commission recommended it.

EFFECT IS LIMITED

However, the effect of the law is limited—it only requires the registration of crew leaders engaging in interstate transportation of migrant workers, but it has been beneficial in weeding out crew leaders with lengthy criminal records.

It has also been beneficial in eliminating a small portion of the victimization migrant work crews have been subjected to by giving the federal government a weapon. The government can now always refuse to register or re-register a crew leader subject to frequent complaints.

In conjunction with the Federal Crew Leader Registration Act, the State of Florida requires registration of all crew leaders engaged in intra-state transportation of migrant workers.

The law has been less than effective in many respects—a shortage of inspectors makes strict enforcement impossible.

FOURTH RECOMMENDATION

The fourth recommendation, the extension of Workmen's Compensation Law to cover agricultural workers, is still only optional. Participation in the program is not required by law and as a result, many migrants injured on the job are left on their own.

Even if the accident is clearly a case of the grove owner being at fault, the migrant has little recourse—he has neither the money nor the inclination to go to an attorney for help.

Housing regulations governing migrant camps and migrant living conditions have been enacted on both the state and federal levels, but in many cases they're not enforced.

The same living conditions described by Edward R. Murrow 10 years ago still exists today.

The State Board of Health has stringent regulations governing conditions tolerable in migrant camps, but then the law defines a migrant camp as having 15 or more residents and establishes other restrictions.

Few migrants in Polk County live in labor camps. Those who do are frequently better off than those that do not.

Migrants living "out in the community" often are protected by only a few regulations governing health and sanitary conditions.

Again the problem is one of the enforcement and a shortage of investigators.

The final recommendation—states to pay local school boards for the education of migrant children, is also a reality. The programs are funded with federal money.

The Polk County School System has enacted a number of programs designed to help children of migrants. Kindergartens have been established and extra teachers are provided for schools which receive a large number of migrant children. Due to the high dropout rate of migrant children and the frequent movement of their families, large numbers of these children are never reached by these means.

FAIR WAGES MISSING

While the Presidential Commission's recommendations fared well, the recommendations Dale Wright made after considerable study of the problem did not.

He said the farm worker must be guaranteed a fair wage for his labor—the migrant still is not covered effectively by the federal minimum wage law.

He said the migrant and his children must be provided with adequate educational facilities "so they can prepare themselves to compete for jobs and careers . . ."

They still do not have a fair opportunity to obtain an education.

He said the migrants many ailments must be cured so that he can perform "his honest day's work and be assured of reward for that labor."

And here, perhaps, is the greatest failure, for the federally-funded and State Board of Health-administered Migrant Health Project in Polk County was discontinued in November of 1968, five years after it came here with the express purpose of providing basic health services to migrant workers and their families.

The state chose to abdicate a portion of its responsibility to the 25,200 migrants estimated to be in the county during the height of the citrus season, because Dr. William Hill, director of the county's health department, refused to segregate the services being provided for migrants from those being provided for non-migrants.

The project had provided needed funds for birth control devices, nurses and sanitarians. Its purpose had been threefold:

To improve preventive care and medical services to agriculture migrants and their dependents.

To improve and upgrade general sanitation and housing.

To coordinate and cooperate with community agencies in assisting with programs for the betterment of agricultural workers and their families.

As a result of the state abdication, the Polk County Health Department now has two less nurses and no sanitarian.

During the county's brief tenure in the Migrant Health Project, a major area of concentration was on sanitation services. The project objectives, aimed at assisting the migrant worker and his family toward better community health, were:

Instill some aspects of community pride to stabilize their environment.

Assist in the development of a housing program, obtaining compliance with state statutes.

Provide guidance and consultation to growers and other agencies concerned with migrant sanitation.

Inspect, consult and evaluate findings on periodic visits to camps, food establishments, child care centers and other places of concern.

Provide consultation to industry in the development of model housing projects.

Provide orientation and in-service training to interested groups.

Assist in the development of a generalized program of health education for migrants.

In the report, Hill said, "Plans were made for sanitary surveys beginning in the Negro section of Florence Villa (Winter Haven). One hundred, forty-three (143) living units were replaced or brought up to minimum housing standards.

CLEAN-UP CAMPAIGN

"A clean-up campaign was begun by the public works department (of Winter Haven) with additional trucks scheduled for trash pick-up at specific points. A total of 550 tons of debris has already been removed with the program still in action.

"Polk County labor camps began to show significant changes in operation and management. Three large labor camps formerly operated by large citrus co-ops (Haines City Growers Cooperative) were subleased to crew leaders as individuals.

"These crew leaders are now in the process of obtaining permits to operate camps. (Permits have been obtained) This action on the part of the large citrus co-ops has presented a completely new set of problems.

"Crew leaders are not used for maintaining sanitary standards set forth in the Florida statutes. Physical or structural violations take longer to correct due to the inherent 'chain of command.' Food service has deteriorated since the withdrawal of catering companies in camp kitchens.

"Many camp defects seemingly are not corrected because they recur at such rapid rate," Hill said.

But all that is no more. All migrant services, the most critically needed, have been cut back. Many have been eliminated, from the standpoint of reasonable achievement.

MALNUTRITION A PROBLEM

Elimination of health problems in the groves, in the ghettoes, in the labor camps, are essential to improving the lot of the migrant worker.

But health services are not the only critical problem migrant workers in Polk face on a day to day basis—just as Sen. George McGovern (D-S.D.) and his special U.S. Senate sub-committee probing hunger and malnutrition in America discovered the underfed and the undernourished in two South Florida counties, so they exist here.

U.S. Sen. Walter F. Mondale (D-Minn.) accompanied McGovern. On returning to the Senate, he said:

"We saw children and old people who regularly missed one or two meals a day and who depended on grits and fatback to survive. I could see many years of malnutrition and sordid living conditions . . .

". . . The effects of hunger and malnutrition are even more severe than the testimony of experts would have you believe. I am convinced that the malnutrition and primitive living conditions have a direct casual relationship with the shadow-lifee existence of so many people we saw," he said.

There is hunger in Florida; hunger in Polk County. Men, women and children go to bed hungry, or undernourished.

Thus far, the state's answer here has been the commodities food program, funded by the federal government. In April, approximately 10,500 Polk Countians received food commodities. The surplus food is sufficient to keep a family alive—often its nutritional value can be questioned.

The commodities may consist of dried beans, butter, cheese, corn meal, flour, shortening, canned meats, dry milk, peanut butter, rice, rolled oats or wheat, grits, prunes or raisins, split peas, instant potatoes, canned fowl, fruit juice, egg mix, canned beef or pork, a beverage mix with a milk base and macaroni.

FOOD FOR SURVIVAL

County officials claim that even though the surplus food program was not intended to supply a balanced diet, it does—as long as the food lasts.

Only one Polk migrant family receiving surplus food said the supply lasts the family the month it is intended to.

Sens. Mondale and McGovern urgently recommended the federal government immediately take the following steps to eliminate hunger in America:

Free food stamps (to enable the poor to purchase their food directly from the supermarket, giving them a choice of staples available to the rest of us) must be made available to those under the poverty level, as well as to those whose income prevents them from obtaining a fully adequate and nutritious diet.

A county should be able to participate simultaneously in the food stamp program and the direct food (commodities) distribution program.

The Federal Government should distribute all commodities, whether or not in surplus, to supplement the food stamp program.

An applicant should be eligible for these programs after submitting an affidavit, with no onerous red tape.

"In addition, the school lunch program must be expanded to provide every needy child with a free lunch; at the present time, the school lunch program reaches less than half the nation's school children.

BREAKFAST IN SCHOOLS

"Even more importantly, the school breakfast program, which has only been established on a pilot basis, must be explained to reach all children from poor families.

"And finally, we must devise a food distribution system which will enable pregnant mothers and pre-school age children to have an adequate and nutritious diet. Such a period to age five that hunger and malnutrition are most devastating to the mental and physical condition of a young child," Sen. Mondale said.

The State Legislature recently passed a bill that will abolish the commodities distribution program throughout the state and make mandatory participation in the food stamp program.

The action has met with widespread opposition—both in Polk County and throughout the state.

Marvin Brice, director of the Polk Welfare and Rehabilitative Services Department, said, "These people will not get a balanced diet. It is good for the retail merchant. He gets full price for the stamps in the program. But, I'm concerned with the individuals, not merchants.

"I want to look out for the people—which is my job," Brice said.

COMMODITIES PROGRAM

Polk's commodities food program presently reaches into 3,097 households—316,114 pounds of surplus food were distributed throughout the county in April.

The Polk County Commission has opposed participation in the food stamp program in the past, on the grounds participation would be "too expensive." Now participation will become mandatory—but the problem will not be solved.

The government's—federal, state and local—attack on the plight of the migrant worker is three-fold: health and welfare services; food to stop hunger and malnutrition; and education.

The effort being made to educate the migrant child is at best a poor beginning: it is attempting to relieve the problems created by a lifetime of misery, hunger and despair in an eight-hour school day. It is attempting to teach the migrant to integrate himself into a system alien to him.

Some school administrators are attempting to stabilize the migrant through work-study programs in the high school—attempting to wrench youngsters from the endless fields, groves and orchards, where the future holds less promise than a more skilled job in the commercial world.

The State Department of Education's Migrant Program has also undertaken a school record transfer project with a number of states along the eastern migrant stream.

RECORDS FOLLOW STUDENTS

Children beginning school in Ohio, New York or Pennsylvania can have their records transferred from school to school as they move south, or north, with their families. Though the disadvantages of moving from school to school still far outweigh the advantages, it is at least a beginning.

Under the record transfer system, Polk County schools are providing the families of migrant children with a computer card when they move on. The card contains the child's school record.

It can work well, if the migrant family assumes a set pattern of travel with the seasons.

But usually the migrant is oblivious to the agencies that seek to help him. He is consumed by farm laborer and the day-to-day struggle between citrus ladder and landlord; packinghouse, jailhouse and tavern.

He worries about the law, prices, and weather; he falls prey to all three. He is proud and he works long hours doing back-breaking labor for insignificant wages.

The government's efforts to help him, without making a thorough effort to understand him, have fallen short. But now there are leaders rising from the soil, men of the earth born into the migrant stream.

They know "where it's at" and what must be done. They are prepared to "rock the boat" if that becomes necessary. The nomadic migrant worker is their "people" they feel for him and they understand him.

CUBAN NURSE AIDS MIGRANTS

"At first I don't know how to approach them because they're very suspicious," said Mrs. Alicia Sanchez. A county health nurse, she visits the poor in their homes and checks on problems she sees indicated on children at school.

She is vibrant and enthusiastic. As she approaches the house of a Mexican-American fruit picker, with eyes peering unseen at her through windows and around corners, she calls the woman of the house by her first name.

"Theresa! Theresa! Buenos dias," she calls. She raps loudly on the screen door then opens it and has her head inside before a quieter "buenos dias" floats back to her from the kitchen. At least Mrs. Alicia Sanchez speaks the language. She's been here three years.

"In this time I have many of those Mexican and Puerto Rican families and they don't speak English. I don't know why, Spanish only," she says.

The Sanchez family left Cuba shortly after the Castro government seized power. Her husband, a medical doctor, had to undergo an American internship in Virginia and he is now a public health doctor for the county in Bartow. Their only daughter is 13 now, and she avoids speaking Spanish whenever possible.

PUBLIC HEALTH NURSES BIG AID TO MIGRANTS

Overcoming suspicion and building confidence, is one of Mrs. Sanchez' first challenges with a new family. She finds the migrant worker of Spanish extraction a different breed altogether from white and Negro Americans. Most often the families are close-knit, have a strong father figure who works in the fields and a mother who cares for up to a dozen children.

She told of discovering one mother of a dozen:

"When I explained to her about family planning she didn't even know about it . . . she didn't even know about it," repeated for emphasis. That was two years ago. Now the mother does know about family planning. She uses a intra-uterine device for birth control which the Health Department provided, and has a free physical examination every six months.

The woman, now 40, has had no more children.

A boy in school whose parents both speak Spanish at home may find the two different worlds between which he alternates hard to reconcile. On the one hand the Mexican-American mother labors under old traditions and might not part with her youngsters to enter first grade until they are 10 or 11 years old. On the other, children of that age may be in fourth or fifth grade.

Alfonso complained of headaches and while he was in the same grade as children his age, his work began to fall off.

"I talked to him and find he needs a doctor examination," Mrs. Sanchez said. "We applied through the Lions Club for an eye examination because they can't afford it. They are fruit pickers."

On the day of the appointment, Mrs. Sanchez visited Alfonso's home to make sure he was going to be taken to be helped. At the modest concrete block house in northwest Winter Haven there is a five-year-old car in the carport and the large family all live in a two-bedroom facility. The living room couch makes an additional bed for small children and its cover retains the sour odor of dampness and small children's urine. Alfonso was home from school, ready for the doctor.

To look at the house inside or out, you wouldn't think the family lived for the season and followed crops north. They are buying, Mrs. Sanchez explained. Summertimes they close the house when they go to pick other fruits. Several of her clients are doing the same.

The biggest problem is suspicion. People don't understand the germ theory of disease. They may never have had access to information about birth control. They may need nutritional training.

I have none with commodities (food) so far," Mrs. Sanchez said. "This kind of family they don't want to ask for anything. Never 'give me, give me'—They live with what they make."

In late April Mrs. Sanchez asked Teresa, "Cuando se mudan? Mayo? o Junio?"

"No sabemos todavia . . ." the woman answered. Her husband hadn't decided yet which would be the best place for them to go to pick summer fruit.

TIME TO FACE RESPONSIBILITY

The problem of Polk's 25,000 citrus fruit pickers cannot all be solved locally. Some help from state and federal sources is necessary.

However, Polk must not shrug off its share of responsibility for the deplorable conditions which exist here. Some problems can and should be solved at the local level.

Citrus is one of the prime supports of the area's economy. Every Polk resident benefits, directly or indirectly, from the annual harvest of 44,000 boxes of citrus fruit. Certainly Polk citizens use and enjoy oranges and grapefruit.

Whoever profits from a situation must share the responsibility for it. Imperial Polk extracts the maximum possible benefits from migrant labor. We must likewise exert maximum effort to improve workers' lives.

The hovels which are rented to farm laborers are intolerable. They can and must be eliminated. Stinking, unsafe shacks with exorbitant rental prices are an affront to the conscience of every Polk citizen. Their continued existence lends a bitter after-taste to our morning juice.

Minimum health and safety standards for rental property in the county should be enacted by the County Commission. Strict enforcement of such regulations could quickly end the current profiteering in human misery.

County commissioners, by failure to take such steps, give approval to the shameless exploitation of helpless migrants. Polk is not ready for a complete minimum housing code to affect all homes in unincorporated areas. It should be possible, however to enact an interim ordinance only to rental units.

Education is another area where local action can be effective. State and federal help is needed, but the initiative must come from the school system which must do the job.

Because of the relatively long citrus season, migrant children spend more time in Polk schools than in any other. This is where the problems must be faced. A recently announced vocational program for migrant youngsters is a step in the right direction.

Many more steps are needed. Polk schools must develop complete programs for migrant children, programs designed to fit the average length of their stay. A special team of attendance officers is needed to improve the attendance patterns of migrant children while they are in Polk.

Health services must be expanded. County immunization programs must be carried into migrant living quarters. Mobile units are needed to visit labor camps. Polk citizens must recognize that festering sores on migrant children are dangerous to the entire community.

Efforts should be made to regain state aid for migrant health services, and requests for help should go to every appropriate federal agency.

Polk cannot solve all the problems of the migrant workers, but it can alleviate some of the worst ones. If we take our responsibility seriously at the county level there will be a greater likelihood of help from state and national sources.

We have thrived on the sweat of the farm workers. Now it is time to pay the piper.

[From the Ledger, Lakeland, Fla., July 16, 1970]

COMMUNITY ORGANIZES: MIGRANTS BEGIN STRUGGLE

(By Ed Domaingue)

In Polk County, the migrant worker is permanent resident on the lowest rung of the economic ladder. He is not there because he wants to be, or because he likes it.

Many Federal, state and local government programs have failed to reach him—partially because they have been content to offer scraps from the table of plenty as they did with the Negro; partially because public officials can't afford to offend the major money interests who would like to keep the migrant right where he is: at the bottom.

With no one to turn to for assistance from outside, many migrants are now turning to the leaders rising from among their own ranks. There are finally appearing in Polk County and across the state, men and organizations gravely concerned about the problems of the migrant.

Until recently, the only agency in Polk County not responsible to local or state politico's was the Christian Migrant Ministry. Headed jointly by an ordained minister and a former migrant worker-crew chief, a goal has been set of power through community organization.

Several months ago, Rueben S. Mitchell, regional director for the Federal Office of Economic Opportunity-funded Community Action Migrant Program, appeared before the County Commission in Bartow and informed commissioners his organization would "appreciate" their cooperation. He asked for a vote of moral "support"; it was given.

Mitchell said the organization was bringing its program into Polk County in an effort to help the county's 25,000 migrant workers "better themselves" and to enable them to leave the migrant stream if they so desire.

In South Florida, there are other migrant-oriented agencies and leaders grappling with the problems—Rodolfo Juarez, head of the Organized Migrants for Community Action and perhaps one of the first and most effective of the former migrant laborers turned community organizers, and the federally-funded South Florida Migrant Legal Services Program.

MINISTER, FORMER MIGRANT

The Polk County Migrant Ministry is headed jointly by the Rev. Paul F. Wilson, an ordained minnster, and Newlon Lloyd, a former migrant worker and crew chief who came to the United States from the Bahama Islands 14 years ago.

Wilson and Lloyd have both been on the Migrant Ministry's payroll since December 1968, shortly after the agency's work was partially funded by the National Ministeries. Other contributions come from local churches, memberships, and the Westminister Presbytery.

Three years ago, the Migrant Minister moved away from service orientation, according to Wilson, in favor of community organization—"in which the farm workers can identify and solve their own problems through their common strength."

The multi-faceted purpose of the group is to:

Establish indigenous, democratic farm work associations which seek to define their own goals and uncover and develop leadership from within.

Mediate between the farm worker community and the various agencies and programs available for conusel and guidance in all areas of private and community life.

Support activities of self-help and community improvement among the farm workers.

Recruit, train, coordinate and supervise volunteers from the churches and community to assist in programs of social service and self-help.

Dr. Herman F. Reissig of Lakeland, a consultant in Human Relations and strong supporter of the Migrant Ministry, said in the organization's application to the National Ministries:

SHARE DECISION-MAKING

"In terms of the farm workers, a greater measure of justice and opportunity will prevail as they are enabled to share in the decision-making about their destiny. Many will find new ways of achieving some of the most basic desires they have for personal and corporate fulfillment, especially as it relates to health, education, housing, home improvement, public works facilities and job opportunities.

"Many will find a new sense of dignity, as well as respect and admiration for their friends and fellow workers . . ." he said.

Wilson said, "The chief problem is that they (the migrants) are forced to reside outside the mainstream of American life—they have no control over the programs directed at them. They lack the power, the voice and representation to help themselves.

"That leaves the farm worker with things being done for him, instead of doing the things himself," he said.

Wilson and Lloyd function primarily in two different areas: the minister's responsibility is to organize the middle-class support necessary to fund and assist the ministry's program and Lloyd works primarily in community organization.

Lloyd, for his part in the program, was overwhelmed when he first began his work here. The problem of organizing 25,000 migrant workers scattered across the country was staggering.

As a result, the Migrant Ministry picked three principle target areas—Lake Hamilton, Haines City and Winter Haven.

Two self-help groups have already been successfully organized in the Lake Hamilton-Haines City area. They are the Florida Farm Workers Organization with headquarters in Lake Hamilton and several hundred members and the Black Youth Organization for Power, an attempt to draw the young people into the organizational efforts.

"Even though both organizations are primarily the results of the Polk County Christian Migrant Ministry's efforts," Wilson said, "they have their own separate organizations and leaders. We can not dictate to them what they can and can not do."

"At times we might make suggestions or point out possible alternative forms of action, but the final decision rests with the members. They have to help themselves get what they want," Wilson said.

SEVERAL BATTLES WON

The Florida Farm Workers Organization has already won several battles for migrant farm workers in the Lake Hamilton area.

Wilson said last year the organization decided it was interested in arranging work at the Lake Hamilton Packing House for the wives of several of the members. In the past, the employees of the packing house had all been white. Members of the farm workers organization were Black.

"They got together with officials of the packing company and sat down and talked about the problems and what they wanted. As a result of the discussions two Blacks were hired by the company.

"Things were pretty bad for a while and eventually the two women were fired, but not before a precedent was established—it was a major break-through for them," Wilson said.

On another occasion, Black farm workers and migrants got upset over medical care for poor people at the Heart of Florida Hospital in Haines City.

They wrote a letter to the hospital's administrator and set up a meeting with him to provide him with an opportunity to present his side of the story.

"Well, he attended the meeting and made an effort to interpret the hospital's policy and to try and work out some of the problems. These things wouldn't have happened if the workers hadn't banded together in a single community organization geared to improving their living and working condition," Wilson said.

The Florida Farm Workers Organization has also made initial strides forward in blending itself with the total Lake Hamilton Community.

"One of the organization's big concerns was over the lack of recreational facilities for their children in the city, and particularly in their area. They set up a meeting with the mayor and city manager and everyone got together to discuss their problems.

A MAJOR BREAKTHROUGH

"The very fact that the mayor came down into the Black community to meet with them and to deal with their own organization was a major breakthrough.

"They asked him for a playground and the mayor to everyone's surprise, said we already have one in the city. They have a very nice recreational area but in the past Blacks had been barred from using it.

"Now they are allowed to use it two nights a week. It meant a great deal to those families living in the Lake Haminton ghetto area," the minister said.

Wilson said the organization's efforts to bring the people together to help themselves here are extremely important—"Polk County has the second highest concentration of migrant workers in the state. Palm Beach county is first, with 38,000."

Both Wilson and Lloyd get angry when they talk of justice for the migrant in Polk County and both are quick to criticize both the law enforcement agencies responsible for enforcing the law and the court system.

"They (the migrants and farm laborers) have to band together and demand that the laws on the books be enforced adequately.

"There are three kinds of justice in Polk County—white to white; white to Black; and Black to Black. Many incidents aren't even investigated if they happen in a labor camp or ghetto. If Sheriff's deputies bother to come at all when they are called, it takes them several hours to get there.

"But the general attitude of the majority of people in Polk County must change, too. Even now, the migrant is still referred to as 'those people down there' or 'it's just those people down in the quarters acting up again.'

"Everybody is responsible and everybody is going to have to act together to bring about the necessary changes," Wilson said.

Both Wilson and Lloyd have indicated they are prepared to be tough if that is what's going to be necessary to get results. Both would prefer a different approach.

"Everyone is concerned about oranges, we are concerned about people," Wilson said.

Mitchell and the Community Action Migrant Program are new to Polk County—but they have long been active in Lee, Hendry and Collier Counties. In Collier County they were handed administration of the commodities food distribution program by the Office of Economic Opportunity after local governmental officials refused to take responsibility.

". . . It must be emphasized that the people whom we serve represent that segment of society who fear to protest or challenge—for they fear retaliation. Only as the vast majority of people become aware of the dramatic plight of the migrant and seasonal farm laborers, and become involved fully in both seeking and providing solutions to his problems, will truly long-range, massive and effective results be had," Mitchell told U.S. Senator George McGovern's (D-S.D.) Select Senate Investigating Committee in March of 1968.

Little has changed.

RURAL MANPOWER PROGRAM

The Community Action Migrant Program is primarily a rural manpower program, working cooperatively with the private sector of the economy and industry in job training, job placement and job development, according to Mitchell.

What impact the program will have in the coming months cannot be determined, but job training and placement will be essential in order to alleviate many of the problems the migrant population is heir to.

One leader though more than any other is rapidly coming to the forefront of migrant worker organizational efforts in the state. He is frequently compared to Cesar Chavez, who is a hero of epic proportions among grape-pickers in California.

Rudolfo Juarez, head of the Organized Migrants in Community Action in South Florida, is a Mexican-American, a former migrant worker and farm laborer.

Mexican-Americans comprise almost half the state's population of migrant workers. Juarez's story is typical:

"I was born in South Texas, in San Benito, and when I was about 15 I was sold. That's right. They came and got a whole group of us and told us there was a lot of money to make up North and over in Florida if we went along with them, and they'd take us and feed us.

"I now know they got so much money from the growers for each body they brought up from Texas. Well, we were living like animals where we were, and getting practically nothing for doing crop work in south Texas, so we thought, why not?

"I was taken up to Indiana and Ohio to work on the farms there, and then we tried to break out, but it's hard. They tell you that you owe them for food and transportation and the mattress on the floor you use for sleeping, and they tell you that if you try to leave, they'll get you thrown in jail and you'll never get out until you pay your bills.

"How else can you pay them but by going back to work for them and when you do that, you have to eat and you have to sleep somewhere and a lot of the time there's no work, until its time to harvest and so you're their property . . .

". . . I'll tell you the truth, a lot of migrants—you know, they're Mexican-Americans like me, or black people, and a few are white, yes, but not many—they're not aware of their rights, and they're scared and they should be.

"Have you seen them patrolling some of those camps? The men will ride around with guns, and the crew leaders will herd people into the trucks to go picking. They stand them up and they look like cattle going to the market . . ."

Juarez's story is not a pretty one—but it is true and he has pulled himself out of the fields. His efforts now, unlike many migrants who escape, are aimed at assisting his brothers still trapped in the migrant stream.

Organized Migrants in Community Action (OMICA) has drawn in a picture of the structure of poverty . . ." denoting the reasons ". . . . why we have been living in the misery that we have been living in through generation after generation."

Citing the reasons for the migrant and farm workers poverty, OMICA has isolated these causes:

Exclusion of farm workers from the National Labor Relations Act.

No protection under Workmen's Compensation and Unemployment Compensation Laws.

Importation of foreign labor.

General exclusion of the very poor from participation in housing, small business and loan programs.

Unconstitutional residency requirements for receiving welfare and health services.

Discriminatory and humiliating welfare system.

A lack of individual power.

A lack of group power.

Bad working conditions and low wages, creating a slave labor system which insures that the farm workers children will have to live the same way he did.

A lack of hope in the ability to escape the migrant stream or the farm for a better way of life.

But it is far easier to identify the problems than to attempt to find the suitable solutions.

STATE LEGAL SERVICES

Among things needed to approach solutions, Wilson said, is for "South Florida Migrant Legal Services needs to become Florida Migrant Legal Services." The OEO-funded organization employes 16 attorneys in the sugar cane and truck corp counties. It has been the subject of repeated assignation by Congressman like Rep. Paul Rogers, himself a land baron.

It has been attacked by U.S. Sen. Spessard Holland, a staunch supporter of crop subsidy legislation which has seen $1.5 million in Federal money given carte blanch to U.S. Sugar Corporation of Clewiston in the past two years (1968 and '69), with lesser, but sizable lumps of Federal sweetener to other sugar cooperatives.

The Washingtonians frequently criticized the legal service organization's $800,000 annual budget, while handing out huge farm subsidies to the very companies and combines that help make the work of organization's such as Florida Migrant Legal Services necessary.

Legal aid is of primary significance in making a man feel he is a man—a citizen; protected by law instead of victimized by it. A proposal that the Florida Bar Association take over a statewide legal aid program has been criticized because of the belief it would be staffed with young and inexperienced attorneys who would be using the position only as a stepping-stone.

Organizations like the Polk County Christian Migrant Ministry: Community Action Migrant Program; South Florida Migrant Legal Services; and Organized Migrants in Community Action are on the right track—all attempting to organize the farm laborer into cohesive group strong enough to fight for himself; strong enough to demand his rights; strong enough to be heard by the County Commission in Bartow, the Governor and State Legislature in Tallahassee, the Congress and the Senate of the United States in Washington.

The road will not be easy.

MIGRANT REPORT TONIGHT

A nationwide television spotlight will be focused on the plight of Florida's migrant workers at 7:30 tonight when Channels 2 and 8 broadcast "Migrant: An NBC White Paper."

The special report, a sequel to Edward R. Murrow's documentary on the migrant work force, "Harvest of Shame," broadcast in 1960, was filmed in part in citrus groves and labor camps in Polk County.

Martin Carr, producer-director of the special report, spent more than six weeks in Florida—two of them in Polk—filming the show with a six-man television crew.

Sequences in the show, narrated by veteran newsman Chet Huntley, were filmed in Eloise, Lake Hamilton, Frostproof and Lakeland.

Since announcement the documentary would be telecast tonight, state officials and administrators of the national farm bureau have attacked NBC, claiming the show they all acknowledge they haven't seen only presents "one side of the story."

Gov. Claude Kirk refused to be interviewed by the show's producer. He claimed the show was "biased" and had no intention of presenting the "true facts."

Carr, who also acted as the show's chief reporter, was choked with emotion more than once during the show's filming.

In Eloise, tears came to his eyes when one 15-year-old, Jackson Bowers, told Carr he was a "bum."

"I was shaken when I left him," the producer said.

Two weeks ago the producer told The Ledger he felt the show was "dynamite."

"It's about time the entire nation realized what it's really like to be a migrant worker," Carr said.

Carr is no stranger to controversy over documentaries he has produced.

In 1968, he stirred the nation's conscience with a special report for CBS on "Hunger in America," the show depicted malnutrition across the nation and its affect on small children.

One sequence captured on film showed several children dying from undernourishment in a Louisiana Hospital. Reaction prompted a United States Senate investigation still underway.

THE PINCH OF CONSCIENCE

Every time the press explores migrant misery, growers react loudly and in unison. Their cries of "Unfair" and "One-sided picture" stretch all the way back to the publication of John Steinbeck's "Grapes of Wrath."

We can understand the dismay of the corporate farmer when his neighbors start equating him with Simon Legree. Growers, after all, are people. They are operating clean, honest businesses as well as they can. Few, if any, Polk citrusmen would deliberately or maliciously mistreat workers or deny food or education to children.

The current system does exploit farm workers, but the system is older than most current growers. They did not create it—they inherited it.

Why, then, should today's big farmers react so defensively to the negative publicity? Obviously, if they did not feel responsible, they would not find it necessary to defend the indefensible conditions.

Growers are not responsible for the creation of the migrant exploitation, but they definitely must shoulder much of the blame for its continuance. This is where the conscience pinches, and it is why they are so vulnerable to the accusing fingers.

With their representatives and lobbyists, the farmers and growers of Polk, Florida and the nation have fought tooth and nail against every legislative effort to improve the lot of their employees. Without their opposition the minimum wage, workmen's compensation and other normal benefits would have come to the farm worker as to other laborers.

By opposing these efforts, by deliberately seeking to exempt agricultural workers from protective labor legislation, growers have assumed full responsibility for the plight of their employes.

Some grove owners would probably like to rid their conscience of its present burden. Unfortunately, these men could not suddenly begin paying the minimum wage and offering other standard benefits to fruit pickers. Such a unilateral action would price the company's product out of the competitive market.

The men of good conscience can, however, immediately cease their opposition to reform programs. Without grower and farmer objections, the weight of public opinion would quickly carry corrective legislation through Congress. All companies would have to follow the provisions, so no individual grower would be unduly harmed.

Naturally, the consumer will have to bear the cost of reform in increased prices. This is normal in a free enterprise system. Americans will not stop drinking orange juice because of a price increase.

Citrusmen who are sincere in their concern for the well-being of the pickers will not react defensively to this week's local and national publicity. Instead, they will acknowledge that problems exist and they will stop trying to block efforts for improvements.

[From the Ledger, Lakeland, Fla., July 17, 1970]

TV Show Criticism—A Repeat

(By Hubert Mizell)

National television judgment against Florida's migrant labor setup incurred the wrath of the state's chief executive, but the words hardly differed after a decade.

". . . did a great injustice."

Farris Bryant, governor of Florida, following the 1960 CBS–TV expose "Harvest of Shame" with Edward R. Murrow.

". . . completely biased, bigoted and one-sided."

Claude Kirk, governor of Florida, following Thursday night's NBC–TV expose "Migrant" with Chet Huntley.

While state political leaders cried of unfairness, members of Congress from elsewhere expressed concern for the low-paid field and grove workers who harvest Florida's rich citrus and vegetable crops.

"No group is more in need of justice," said Sen. George McGovern, D-S.D., regarding the migrant work force. He said his hopes are that "this will arouse Americans so that justice will finally come to our migrant workers."

Sen. Harrison Williams, D-N.J., said significant strides have been made in ten years in this field, but that it's "still far short of being fully a part of the American dream."

As the plight of the laborers was shown nationally, migrant worker Dora Mae Dorn sat on her bed with her family and watched on a TV set as yet unpaid for.

"I bought clothes for my children this week," she smiled, "but I had to use my welfare check to do it." Mrs. Dorn is jobless at present since the picking season is over.

Sad faces dominated the hour-long show narrated by Huntley and produced by youthful Martin Carr.

"Poor people like us just don't have a chance," said a black woman on the film.

FAMILIES WAGE UPHILL BATTLE TO ESCAPE STREAM

Mr. and Mrs. Raymond Trammell and Mr. and Mrs. Benjamin Farmer have a lot in common. They are migrant workers, they want a better life for themselves and their children.

Mr. and Mrs. Trammell are both 24 years old. They live in Lake Hamilton. They were born into the migrant stream and they are fighting with every weapon they have to get out.

Mr. and Mrs. Benjamin Farmer are both 26 years old. They live in Eloise. Benji Farmer had a brief respite from picking fruit; he served a tour of duty in the Navy, discovered a better life, wants some of it for himself and his family.

Mary Jean and Raymond Trammell are much better off than most young migrant worker families, even though they are Negro and believe much of their plight is caused by their race.

They both have high school educations—rare for migrant workers, even rarer for the children of migrant workers. They both have a fierce determination to escape the migrant stream and are doing something about it.

The Farmers, both white, are still looking for a way to escape. They, too, were born into the nomadic life, but they weren't fortunate enough to graduate from high school. They were forced to quit school so they could work in the fields alongside their parents.

"Picking fruit is like a disease," Benji Farmer says. "You can never get enough money saved to get out. It's like a trap you never get out of.

"I want to get out, but I don't know how. The only possible way I see is to go back up North. We are going to try our best to get out. I've done some selling and repairing of television sets and someday I want to own my own shop."

Mary Jean Trammell's determination for a better life has stood her well in the past—she was one of the first Negro women ever to work in the Lake Hamilton Packing House.

She got the job—and the racial problems that ensued—through the efforts of the Polk County Christian Migrant Ministry and its subsidiary organization Florida Farm Workers Organization, based in Lake Hamilton.

She is not afraid to fight for what she wants. In April, Mrs. Trammell enrolled in an IBM Keypunch course being given by an evening school in Lakeland.

The course requires that she attend classes two nights a week. It costs $350—steep for the Trammell's, but worth it if it becomes the key to the door that will let them find a better life.

"We've tried to get out before. I worked in the Lake Hamilton Packing House. I was the first Black to ever work there. It was terrible. I hope I never have to go through that experience again," she said.

It's tough to get out.

"It takes all our money just to pay our bills. You don't make anything and you don't have anything to waste," Mrs. Trammell says.

"I dream all the time of better things to come for myself and my family. I have a hope and I have set a goal. I'm going to attain that goal one way or another."

When you listen to Mary Jean and Raymond Trammell and to Benji Farmer and his wife, their determination is absolute.

"I'm sick and tired of looking at oranges," Mrs. Farmer says. "You can pick oranges, but you can't afford to buy them. They cost 69 cents a dozen in the store, but you can sure bet you don't get no 69 cents for picking them."

SOLUTIONS TO PROBLEM AVAILABLE

(By Ed Domaingue)

New bridges and roads must be constructed over which the migrant and farm laborer can travel. There is a hopelessness in the cycle of poverty that cannot be eliminated through legislation alone.

Vast quantities of time and money have been invested over the past decade in programs aimed at helping the migrant worker and his family.

But still there is poverty.

The programs enacted have not been futile; many will be essential to relieving the plight of the migrant. The failure has been in not going far enough, of not reaching the heart of the problem.

Groundwork for the new roads has been laid, but the construction has not been completed.

One of the problems is the migrant's lack of knowledge of aid available to him.

COMMUNICATIONS INADEQUATE

Conventional forms of communication fall short—as in cases where parents are told by school officials they must obtain a birth certificate before they can enroll their children in school.

Taking officials at their word and unable to obtain a birth certificate, the parent assumes the child can not be enrolled. But this rule can be waived.

Education and job training programs are good. In fact, they must be greatly expanded. Courses in food preparation, sanitation and money management are essential. School assistance has been helpful, but is still only a beginning.

Housing codes and sanitation requirements are on the books in some areas, but they have not been effective in eliminating substandard housing.

Health and welfare programs, particularly in the areas of food commodities and emergency medical service, are sufficient to sustain life and relieve some of the hunger pains. But they, like most things being offered, only treat the symptoms of misery.

BASIC FRAMEWORK HERE

The federal-state-local programs already in existence provide a basic framework for building the structure which will change living conditions of migrant workers. They provide the means to attack many of the problems, but are not solutions.

Job training and development programs such as those being undertaken by the Community Action Migrant Program must be expanded.

Local business leaders could play a major role. With cooperation of businessmen in Polk County and throughout Florida, thousands of migrant workers can escape the cycle of poverty.

Polk has many businesses in need of skilled and semi-skilled laborers. More concentrated efforts could be made on the local level to train the predominately unskilled migrants and provide them job opportunities.

The State Board of Health can do its share by stringently enforcing housing and sanitation codes already enacted. Regulations which are weak and areas still unprotected will require new attention.

HOUSING NEEDS IMPROVEMENT

In the area of migrant housing, much work needs to be done. Regulations governing migrant camps require reevaluation. New state legislation is probably needed to achieve progress in this area.

A dedicated effort by government, business, concerned citizens and the migrants themselves is essential to any long-range improvement.

The nature of the migrant is of primary importance in improving conditions. They are nomadic, forced to wander from county to county and state to state with the change in seasons. They must move to work at all.

In Florida, the fruit picking season generally extends from November to mid-June. Work begins tapering off in mid-May and many workers are already on the road.

Traditionally, in May, the migrant stream is winding its way through the Carolinas, and by June through Pennsylvania, New Jersey and New York—where there is work until October. Then it's back to Florida again.

MIGRANTS' WORST ENEMY

The migrant's worst enemy in the past has been the need for this movement. But the nature of Florida agriculture tends to bring migrants back to the same area year after year.

This has been good for the migrant and bad for industry and government in several ways.

The length of the growing season in Florida, particularly in Polk, where the citrus season is nine months long, has made this home for many migrant workers.

With the growth of community organizational efforts the desire to return to home ground has increased.

The impact of this can not be underestimated.

Where federal and state programs make no effort to help the migrant, community organizations do. They provide the pride of accomplishment—and with power to effect change.

Community organizations are just beginning to take hold throughout the state, but already many of the young migrants-turned-organizers point with a warning finger to the accomplishments of leaders like Cesar Chavez, a man of the soil responsible for organizing the grape pickers in Southern California and forcing bargaining with the industry.

The signs are ominous to growers who have fought unionizing attempts in the past. The philosophy of the organizers is simple. In order for the migrant to be able to help himself he needs power. Power only comes through group action.

The migrant knows that in order to improve his life, basic changes are necessary. His working and living conditions must be brought up to standards comparable with the rest of America; he must be provided with steady year-round employment; and his wages must be increased.

The pressure originating from these pioneer organizational efforts has focused on several alternatives available now to change the life-style and condition of the migrant worker. While no one has offered a guess at which will prevail, almost everyone close to the migrant population contends vigorously that some change is inevitable soon.

Two of the three alternatives can be implemented by the grower; the third, essentially a last resort, will be forced by the frustration of the migrants themselves.

SEVERAL OPPORTUNITES

The citrus growers in Polk County is in a unique position—the winds of change are sweeping his industry, but he still has several opportunities to choose his own future.

The alternatives are:

Mechanization of fruit and vegetable harvesting, ending the migrant stream and forcing development of aggressive programs aimed at assimilating the migrant and farm laborer into the mainstream of American life.

Grower-initiated programs to improve living and working conditions and to increase salaries of migrants.

Leaving the situation as is and forcing great expanded pressure from the labor force itself and the ultimate appearance of union organizations.

Most experts believe mechanization will eventually come to Polk's citrus industry. Intensive efforts are already being made to develop a functional orange and grapefruit picker which will reduce the need for migrant laborers. Effective implementation of this alternative is still several years away.

Should mechanization occur, the citrus industry would hire some former migrant workers to operate the harvesting machines and there would be a greatly diminished demand for fruit pickers.

GOVERNMENT RESPONSIBILITY

With mechanization, the state and federal governments would be required to assume a large responsibility in developing educational and job assistance programs to allow the migrant to be absorbed into society in productive capacities.

Government initiated action in areas of minimum wage extension and workmen's compensation coverage could force industry to quicken efforts toward mechanization.

The second alternative provides the most immediate solution, but it requires a decision by the citrus industry that the price of orange juice will go up. On the other hand, it may be the only way the industry will be able to discourage organizational efforts by migrants.

The growers could increase wages, improve labor conditions in the groves, improve living conditions in labor camps and put pressure on authorities responsible for health, sanitation and housing code enforcement.

Growers, through their own organizations, could lobby for inclusion of migrant workers under provisions of the Unemployment Compensation Act and Workmens Compensation laws. They could make giant strides in arranging year around employment for the migrant and could participate in improved and more effective social services for migrant families.

UNIONS WILL APPEAR

The third alternative—doing nothing—means the pressure from the bottom will continue to build. As the pressure grows, almost inevitable a situation similiar to the one that made national headlines in Southern California will occur in Florida.

Workers are discontent; they are beginning to become aware of Chavezs' success in California. Community action program officials here and across the state indicate strongly the mood of the migrant is changing. Labor organizers, after a long lull, are again showing interest in Florida's farm workers.

Should the migrant become organized the pressure placed on the industry might be overwhelming.

From the migrants point of view unionization may hold the only answer to problems which have frustrated and beaten him for many years.

The course chosen depends on the growers and the harvestors; on the action or inaction by federal and state governments; and the actions of concerned individuals who have the power to bring about changes.

Only one thing is certain—the migrant worker and his living conditions are headed for a confrontation and the confrontation will lead to change . . . one way or another.

CHANGES ARE INEVITABLE

Changes on the migrant scene are as inevitable as they are desirable.

After decades of neglect and exploitation, the workers themselves have begun to realize that they, like most other American laborers, could band together for mutual benefit. As this organization movement grows, our own citrus companies will begin to feel pressure.

Their reaction will spell the difference between a smooth, industry-wide transition or a long, bloody series of strikes and boycotts. Either way, changes will come which allow the farm worker to join the mainstream of American life.

In spite of the knee-jerk negative reactions of some industry leaders, the worker organization movement will grow. The inspiration of Cesar Chavez' California grape strike and boycott is incalculable. After years of seemingly hopeless struggle, Chavez is now winning union contracts for his people—contracts which cover working conditions and pesticide restrictions as well as wages.

This example is not lost on Polk's citrus workers. Leaders are now developing who will be able to capitalize on the broad public sympathy which already exists for the fruit pickers. When the workers are sufficiently strong to institute a Chavez-style strike and boycott, the effect on the industry could be catastrophic.

Growers and public officials must understand that these are the only alternatives: orderly changes or chaotic changes. Serfdom is already several hundred years out of date; it cannot last much longer. The end of this decade will see the end of the migrant stream as we know it, one way or another.

Among the necessary changes will be increased mechanization. Other industries have found better methods when their pool of cheap, docile labor vanished. Citrus will do likewise. Fewer workers will be needed and they will receive higher wages.

Many migrants will drop out of the stream, seeking a more permanent life. State and federal help may be essential to help these families make the transition successfully. Housing and employment will have to be found or created, or else the welfare rolls will soar.

Mechanization, stability, higher wages and other benefits will come into the life of the migrant worker. We hope the employers and public officials will help, not hinder, efforts to attain these changes.

Polk need not be wracked by disruption and distrust. Workers, officials, employers and civic leaders, working together, can help fruit pickers without ruining the industry. We have the opportunity to lead the state and nation toward the solutions for age-old migrant problems.

Let us begin.

[From the Ledger, Lakeland, Fla., July 18, 1970]

MIGRANT STORM EXPOSURE "BIAS" CLAIMS DISPUTED

(By Ed Domaingue, Ledger Staff Writer)

> "Florida should hang its head in shame"—Stan Tait, Democratic candidate for Secretary of State.
>
> "The growers feel they were cut down by the special, but really NBC did them a service by not showing the worst conditions"—Newlon Lloyd, co-director of the Polk County Christian Migrant Ministry.
>
> "Now I am worried about the big growers and others in power for fear they will try to harm me or my family"—Benjamin Farmer, 26, a migrant fruit picker featured in The Ledger's series and by NBC.
>
> "Again the Northern liberal press has invaded our state in an attempt to run our lives"—Harrold Carswell, a candidate for the Republican U.S. Senatorial nomination.

The Polk County Christian Migrant Ministry and a Democratic candidate's Secretary of State Friday disputed charges that reports on the plight of the migrant worker on NBC last night and in The Ledger this week were "biased."

Newlon Lloyd, co-director of the Migrant Ministry said, "The growers feel they were cut down on the special, but really NBC did them a service by not showing the worst conditions."

Stan Tait, seeking the Democratic party's nomination for Secretary of State, said, "Florida should hang its head in shame."

Controversy over the television news special, "Migrant: An NBC White Paper," telecast Thursday evening, is sweeping the state.

Critics, including Gov. Claude Kirk and Secretary of Agriculture Doyle Conner, have charged conditions depicted did not present a true picture of the migrant worker's living and working conditions.

Lloyd, a former migrant fruit picker and labor crew chief himself said, "Every day I run across problems right here in Polk County worse than NBC showed. It could have been stronger, but in the final analysis, I think it was a great show."

In answer to charges both the show and The Ledger failed to present "both sides of the story," the Rev. Paul Wilson coordinator of the Migrant Ministry here, said:

"What is the other side of a hungry baby? What is the other side of a 15-year-old boy like Jackson Bowers or a middle-aged couple so beaten down they can't do anything to help themselves?

"I don't think the show was biased. I do think that the fact one-third of the show was filmed in Polk County should give us all a great deal to think about," Wilson said.

Lloyd and Wilson were both with Martin Carr and his NBC television crew during filming of "Migrant." Tait said, "Bravo to NBC and The Ledger for having enough guts to call a spade a spade on the migrant problem.

"Florida should hang its head in shame," he said.

He said he hoped the NBC documentary and The Ledger's special report would "shock us into doing something" about the migrant's plight.

"As long as the lobbyists call the shots on migrant reform legislation, as long as politicians go along with the theory that profits are more important than people, I don't see much hope than anything will be done."

Tait used the occasion to strike out at one of his opponents, state Sen. Richard Stone.

"If Sen. Stone was watching, I wonder how proud he is of the fact that during the last Legislature he single-handedly killed the only bill put forth to help the migrant worker.

"I wonder if he is proud of the fact that he switched his vote in committee to kill the bill to bring migrants under the "Workmen's Compensation Act," Tait said.

The candidate said, "I've got a suggestion to settle this dispute quickly. Let those who say it was biased and untrue try living the life of a migrant for just one week.

"Let them work in the fields with migrants, eat what the migrants eat, sleep where the migrants sleep, then let them tell us how good the migrant has it," he said.

Republican U.S. Senate candidate Harrold Carswell felt otherwise.

Carswell said, "Again the Northern liberal press has invaded our state in an attempt to run our lives. The NBC program on migrants, narrated by that prejudiced liberal, Chet Huntley, who considers our President 'shallow' is another example of the Northern power barons constant attack on the conservative South."

"Certainly Florida has a problem with its migrants," he said, "This vital labor force is accompanied by the same problems from (U.S. Sen. Edmund) Muskie's (D-Me.) Maine to (Sen. Alan) Cranston's (R-Cal.) California.

"For more than 20 years newspapers of Florida have documented the attendant problems of housing, education and insecurity of migrants. Over the years, 27 separate federal agencies have swarmed over the problem like so many bureaucratic bugs—but still the problem exists," he said.

Carswell charged that the show was biased because ". . . the NBC crew refused to film the improvements."

The TV show, as The Ledger's special report had earlier in the week, featured several Polk County migrant fruit pickers.

Jackson Bowers, one of those featured, had lived with his family in Eloise for several months. He quit school because he felt he wasn't like other kids, because he thought he was a bum.

Bowers and his family, along with Ernest Jarvis, a 39-year-old Auburndale fruit picker who looks 15 years older, were not in Polk County when attempts to locate them for reaction to the show were made Friday.

The Bowers family and Jarvis were reported in Michigan, picking fruit and vegetables. Neighbors said they left several weeks ago.

Benjamin Farmer, his wife and five children, however, did not follow the stream this year. They watched themselves on television and read about themselves in the newspaper from their home in Eloise.

Farmer, 26, said Friday he was "scared" for himself and his family.

He said, "After the show was over, I was glad I had told the truth, as I have had to live it. I hope that people will get the right idea that there are some of us who can help ourselves and others who can't.

"Now I am worried about the big growers and the others in power for fear they will try to harm me or my family," Farmer said.

John Ramsom, a retired 74-year-old fruit picker, said, "It was a heap of a show. It was on the right track to getting something done. I just hope I live to see it."

Ramsom picked fruit for 22 years. He lives in Auburndale and was a neighbor of Jarvis' on Hobbs Lane, where a five-foot by 12-foot roach-infested shack rents for $15 to $20 per week.

A Winter Haven woman who works in the Florence Villa section of the city and often comes in contact with migrant workers said, "It was a true picture and no lies in that.

"But you can find worse housing than was shown on television in the Peasville section of Winter Haven. What I want to know is what will happen now?" she asked.

There were many people who expressed shock over the conditions portrayed. Some wanted to know what they could do to help the migrant.

Mrs. Jean Bryson of Lakeland called The Ledger Thursday.

She asked The Ledger to launch a campaign to collect second-hand clothes and toys for the young migrant children described both by the paper and during the NBC telecast.

"I live in a nice home and I've never been hungry. I just want to do something to help. I have been making my children read the series to see how good off they are," she said.

The owner of a beauty shop, Mrs. Bryant said Friday, "Until The Ledger's stories and the television show, many of my customers didn't even know what it was like here. They were shocked at some of the conditions described."

She said, "I believe every bit of it. I believe those people are desperate. When I was young in junior high school, some migrant children were in my classes. They came to school hungry, without shoes in the winter—things haven't changed at all."

The mother of three children, she said Jackson Bowers' appearance on television last night upset her.

"He seemed to be about the same size as my 12-year-old son. He could have been my little boy. It really tore me up," she said.

Mrs. Bryant, however, was not the only local resident concerned over what she could do to help the county's 25,200 migrant workers.

A registered nurse and a medical assistant visited The Ledger offices Friday afternoon and said they and a doctor they worked for were interested in giving up their day off to operate a free clinic for migrant workers.

They said the doctor had suggested the project and they were all "extremely enthusiastic about it." They inquired who they could contact to assist them with making the arrangements.

Chuck Woodson, executive secretary of the Lakeland United Fund, also expressed concern over the plight of the migrant worker.

"I can't help but feel that we have a responsibility to be concerned . . . I am one of those who was vaguely aware they were here, just as there are other people here at the poverty level, but I didn't really know anything of their living or working conditions.

"You are concerned about it, you know about it, but you don't really address yourself to it . . ." he said.

BAX VOWS HOUSING HELP

(By The Associated Press)

Florida's top health official vowed Friday to force counties to meet housing restrictions for migrants as other state officials condemned as biased and one-sided an NBC documentary on the state's roving farm workers.

"We're going to hold their (the counties') feet to the fire and make sure these regulations are strictly enforced," said Dr. James Bax, secretary of Florida's Department of Health and Rehabilitative Services.

Bax said Gov. Claude Kirk has recommended cutting $1 million from the $1.5 million legislative appropriations for a statewide food stamp program for the poor.

"I don't have the responsibility nor the resources to solve the problems," Bax said.

Governor Kirk called the special narrated by newscaster Chet Huntley ". . . completely biased, bigoted, and one-sided." He explained his absence in the film by saying he "soon discovered that Mr. Huntley was making absolutely no effort to give viewers a balanced story."

Sen. Edward Gurney, R-Fla., called it "just another example of one-sided reporting of the big television networks," and said it was "consistent with NBC's policy of pointing out only the bad and ignoring the good."

Sen. George McGovern, who headed a Congressional committee which toured Florida's migrant camps last year during an investigation, said the documentary "will arouse Americans so that justice will finally come to our migrant workers."

As controversy arose over the special, a Senate subcommittee on migratory labor released a report from a team of doctors investigating conditions in Texas and Florida migrant camps.

The team said it found "thousands of our fellow citizens manipulated and managed in such a way as to reduce them to subhumans."

The doctors, part of the Field Foundation group that startled the nation three years ago with a report of malnutrition and hunger in Mississippi, said, "This time in Florida, we find destitution we would be ashamed to describe were we not so horrified by their presence."

Dr. Ray Wheeler said one Florida camp on the edge of a swamp "was, I am certain, the closest equivalent to slave quarters that could exist in what we consider to be a free society."

Dr. Allan C. Mermann compared the living quarters in a camp near Homestead with the prisons of the Spanish Inquisition.

After Thursday night special, Sen. Walter F. Mondale, D-Minn., said he will investigate the conditions as chairman of the subcommittee on migratory labor.

"America has its own version of the tiger cages in Vietnam," Mondale said, "in the migrant camps of Florida and Texas."

Florida Agriculture Secretary Doyle Conner had criticized the program even before he saw it. After viewing the film, Conner said he was disappointed NBC "spent the majority of the time showing what was wrong and very little time showing the improvements that have been made."

"As I have said before," Conner said, "there is no excuse for migrants or city ghetto dwellers to have to live in substandard housing."

Conner said he hoped NBC could "cut the red tape in Washington" that causes delays up to 18 months in processing loans for migrant housing.

DELETIONS MADE IN TV SHOW

(Special to the Ledger from the New York Times)

New York—National Broadcasting Company officials, following an angry meeting with representatives of the Coca Cola Company altered an N.B.C. documentary on migrant farm workers before the program was broadcast over the N.B.C. television network Thursday night.

Coca Cola was represented in the report as one of the contributors to the marginal conditions under which migrant citrus workers live and labor in Florida. An addition and a deletion in the script of the program, entitled, "Migrant—An NBC White Paper," were made late Thursday afternoon, according to its producer Martin Carr.

Carr said, "The pressure from Coke was enormous."

Reuven Frank, president of N.B.C. News, said "There was no pressure. They (Coca Cola representatives) brought us facts we did not have before. We heard them out.

"After they left, we felt maybe we had singled them out for blame in a situation where so many companies are involved. We removed the onus from them."

Frank said that "We made no promises" to the Coca Cola representatives. He characterized the meeting, which was also attended by Julian Goodman, president of N.B.C., as "angry. They expressed themselves," he said.

The alterations involved two statements made by Carr on the program's track. At one point he is shown interviewing a woman who lives in a shack near a citrus grove, and the woman asserts that the shack is owned by Coca Cola. Over her voice, Carr added this phrase, "Coca Cola is at work on a major plan which it claims will correct the failings it has found in its citrus operation."

At another point in the program, Carr asserts that Coca Cola and other "giants" of the Florida citrus industry, "set the standards for citrus workers in Florida together with smaller growers." This was deleted.

Senator MONDALE. Thank you all very much.

I order printed in the hearing record at this point documents that pertain to information considered during these hearings.

(The information referred to follows:)

THE EXCEPTED PEOPLE

THE MIGRANT WORKERS IN WASHINGTON STATE

BY

DR. TOM J. CHAMBERS, JR.

PRINTED AND DISTRIBUTED BY
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TABLE OF CONTENTS

Chapter I An Introduction to Washington Migrants 1

A. "Migrant" Defined 1

B. The Migrant Trail and Patterns of Employment 1
  1. The Migrant Stream 1
  2. The Mexican-American 1
  3. Washington State Seasonal Employment 1
  4. The Composition of Washington's Migrant Force 2

C. The Great Depression -- Public Indifference 2

Chapter II Migrant Education 3

A. The Educational Achievement of the Washington Migrant 3

B. Causes of Illiteracy and Low Education Achievement Among Migrants . . .3
  1. History of Discrimination in the South West States 3
  2. The Mexican-American Language Barrier 4
  3. Migratory Travel - School Attendance 4
  4. Inadequate Pre-School Preparation 5
  5. Child Labor 5
  6. Inadequate Adult Education 6

C. Washington State and Migrant Education 6

Chapter III - Migrant Wages and Income 7

A. Existing Wage Conditions 7
  1. Below the Poverty Level 7
  2. Wages 7
  3. Bonus System 7
  4. Wage Legislation 7
    (a) Wage Collection Laws 7
    (b) State Minimum Wage Legislation 8
    (c) Federal Minimum Wage Legislation 8
      (i) Coverage 8
      (ii) Ineffectiveness 8

B. Causes of Low Migrant Income 9
  1. Unavailability of Steady Employment 9
  2. Mechanization 9
  3. The Labor Contractor 10
    (a) Abusive Practices 10
    (b) Labor Contractor Regulations 10
      (i) Provisions of the Federal Farm Labor Contractor Registration Act 10
      (ii) Inadequacies of the Federal Farm Labor Contractor Registration Act 11
      (iii) The Washington State Farm Contractor Act 11
  4. Department of Employment Security -- A Maximum Wage Limit 12
    (a) The Services and Activities of the Department of Employment Security 12
    (b) The Maximum Wage Limit 12
  5. A Disadvantaged Bargaining Position 13

(a) Lack of Leadership -- The Labor Contractor 13
(b) Lack of Free Market .13
(c) Inability to Organize 13
    (i) Desire to Organize 13
    (ii) Poverty and Lack of Expectations 14
(d) Lack of Labor Relations Legislation 14
    (i) The National Labor Relations Act 14
    (ii) Washington State Labor Relations Act 14
(e) Disenfranchisement and Political Impotence 14
    (i) Inadequate Lobby 14
    (ii) Washington State's Literacy Requirement 14
    (iii) Discriminatory Purpose of Literacy Requirements . . .15

Chapter IV Migrant Health 16

A. Lack of General Health Care 16

1. Life Expectancy 16
2. Infant Mortality and Prenatal Care 16
3. Health Education -- Sanitation, Sickness, Disease 16
4. Health Costs and Other Health Problems 16
5. Federal Migrant Health Programs in Washington 17

B. Farm Accidents 17
1. Frequency and Magnitude .17
2. State Industrial Insurance 17
    (a) Limited Coverage 17
    (b) Inadequacies of Coverage 17

C. Female and Child Labor 18
1. Number of Women and Children in the Fields 18
2. The Costs of Having Women and Children in the Fields 18
    (a) Farm Accidents 18
    (b) General Health 18
    (c) Education 19
3. Female and Child Labor Laws 19
    (a) The Federal Fair Labor Standards 19
    (b) Washington State Female and Child Labor Act 19

D. Migrant Housing 19
1. Migrant Housing Generally .19
2. Migrant Housing in Washington State 20
    (a) The Numbers and Condition of Washington Farm Labor Camps 20
    (b) Inadequate Housing and Migrant Health 20
    (c) The Farmer Bears the Burden 20
3. Migrant Housing Laws 21
    (a) Federal Regulations 21
        (i) Housing Programs 21
        (ii) Federal Minimum Housing Regulations 21
        (iii) Weaknesses of the Federal Minimum Housing Regulations 21
    (b) Washington State Labor Camp Health Regulations 21
        (i) The Regulations 21
        (ii) Enforcement Problems 22

CHAPTER I AN INTRODUCTION TO WASHINGTON MIGRANTS

A. "MIGRANT" DEFINED

While the migrant has been variously defined, the currently accepted and most appropriate definition of a migrant is "someone who has left his home county, some time during the year, to live away from home to do farm work."[1] It should be noted that the definition includes "intrastate" workers as well as the nomadic "interstate" farm workers. In addition, agricultural employment is the migrant's principal source of income; he is not a "casual" farm worker.

B. THE MIGRANT TRAIL AND PATTERNS OF EMPLOYMENT

1. THE MIGRANT STREAM

There were about 466,000 persons who left their home counties to work in the fields in 1967;[2] the number of migrants in the United States has remained relatively stable, fluctuating around 400,000 since World War II.[3] While migrants constitute only about 15 percent of the wage farm force nationally,[4] they constitute a very large share of the labor force in labor-intensive crops located where there is no large metropolitan area from which to draw the quantity of labor demanded.

The bulk of American migrants follow three major routes from along the southern border of the country, northward. The main stream and the stream that serves the State of Washington flows north and west from Texas, beginning in the Spring and covering most of the North Central, Mountain and Pacific Coast States before the season ends around December.[5]

2. THE MEXICAN-AMERICAN

Although the exact number is uncertain,[6] about half of the workers in the migrant stream are Americans of Mexican descent. There are approximately 10 million Spanish surnamed citizens in this country and two-thirds of them reside in the southwest states.[7] The Mexican-American Community has clung to its traditional language and culture with remarkable tenacity. "If anything, the Mexican-American sense of identity is probably stronger now than it ever was, in spite of the general tendency of the dominant society to ignore or suppress it and in spite of (or because of) many years of overt and covert discrimination."[8] The Mexican-American, with his unique cultural background appears to be more permanently attached to the migrant stream than his white or "Anglo" counter-part[9] and his unique problems that deserve special attention.

3. WASHINGTON STATE SEASONAL EMPLOYMENT

Washington State characteristically has two seasonal peaks that differ in location and activity. According to the Department of Employment Security, hiring of significant numbers of workers begins early in the Spring and rises gradually until late June or mid-July when the first employment peak is reached at the height of the berry harvest in Western Washington. The second peak is reached in September or early October when the harvests of soft fruits, potatoes, sweet corn, and tomatoes take place in Eastern Washington. Western Washington contributes to the second peak by harvesting string beans, sweet corn, and other vegetables.[10]

Nationally, Washington State ranked fifth among the United States in the use of man-months of migrant labor,[11] and during the month of October, Washington ranked third in migrant employment behind California and North Carolina.[12] While data on when and where peak employment was reached in Washington is inconclusive,[13] more than 24,500 migrants, excluding dependents, were employed in Washington agriculture in the latter half of September of 1966.[14] There were approximately two non-working dependents for every three migrant workers.[15] Yakima County, using about one third of the

State's migrant force, proved to be the largest user of migrant labor;[16] Chelan County, using about one-sixth of the state's supply, was the second largest migrant employer in 1966 followed by Okanogan, Grant, and Benton Counties.[17]

4. THE COMPOSITION OF WASHINGTON'S MIGRANT FORCE

In 1966, less than half, 49 percent, of Washington's migrant laborers were Anglos; Mexican-Americans represented 41 percent; about 3 percent were American Indians: Canadian Indians 5 percent and Negroes represented about 2 percent.[18] Females constitute 31 percent of the Washington labor force.[19] Migrants for the most part are young; about one-fourth of the nation's migrants are teen-agers between the ages of 14 and 17 years and persons 55 years old and older account for only 1/10 of the migrant work force.[20]

C. THE GREAT DEPRESSION --- PUBLIC INDIFFERENCE

In 1929, the United States was plunged into a great depression. To a great extent this nation was able to recover from the economic chaos of that depression by the enactment of enlightened social welfare and labor programs. What was called the "New Deal" in the 1930's is now accepted as a basic foundation of American economic and social prosperity.

The migrant farm worker, however, has not recovered from that great depression of 1929. The plight of the migrant was described in 1968, by the United States Senate Subcommittee on Migratory Labor:

> The statistics throughout this report indicating the low wages, unemployment, lack of education, poor housing, malnutrition, disease, and lack of adequate medical and dental care tell only part of the story of the shocking degree of impoverishment of the migrant.[21]

The migrant farm worker, to this day, has not been reached by the old "New Deal." For the most part, migrant workers and their families have been expressly excepted from or only minimally included in all of the conventional social welfare and workman's benefits enacted by the Federal and State Governments; such legislation includes unemployment insurance, workman's compensation, social security insurance, minimum wage protection, child labor protection, collective bargaining protection, and general welfare assistance.

The reasons that migrants have been excluded from social legislation are numerous, including lack of political organization or political identity, alienation from the political system, and lack of bargaining power. Public indifference, however, has been the greatest obstacle to efforts to cure the social and economic ills of the migrant worker. Corrective proposals, usually very modest in their goals, have been sponsored and supported by do-good lobbies with little success. In 1952, during hearings on migrant labor before the Senate Subcommittee on Labor and Management, Senator Humphrey of Minnesota commented that fewer than 200 letters had been recieved by Congress either lauding or condemning efforts to help the migrant; it was the Senator's opinion that the American Public was not interested in the migrant farm worker.[22]

CHAPTER II MIGRANT EDUCATION

A. THE EDUCATIONAL ACHIEVEMENT OF THE WASHINGTON MIGRANT

While the average Washington State adult resident has a median of 12.1 years of education, the Washington migrant farm worker has a median of 8.8 years of education.[1] To a great extent the lower educational level of the migrant can be attributed to the special problems of the Mexican-American farm worker. Mexican-American migrants have a median of only 5.4 years of education while the median years of education for an Anglo migrant is 10.0 years.[2] Of those Washington migrants who usually speak Spanish at home, about 78 percent of Washington's Mexican-American migrants,[3] the median years of education is 4.9.[4] Furthermore, 41 percent of Washington's Mexican-American migrants cannot read English and 30 percent cannot speak English.[5]

B. CAUSES OF ILLITERACY AND LOW EDUCATION ACHIEVEMENT AMONG MIGRANTS

1. HISTORY OF DISCRIMINATION IN THE SOUTH WEST STATES

Mexican-Americans have historically been discriminated against and educationally deprived, particularly in the southwestern states from which most of the adult Mexican-Americans now living in Washington came. In 1853, a great many Mexicans became Americans when they and their land became the possession of the United States as the result of the Gadsden Purchase. The effect of the Gadsden Purchase was aptly described, in 1967, by the associate director of a state migrant council:

> They had all the disadvantages of a vanquished nation---they were now subject to impositions of a new and powerful nation whose cultural orientation and social and legal systems were diametrically opposed to theirs. The new government proceeded to exploit what was beneficial to it, and to ignore what was not. A new language was introduced, but little effort was made to provide instruction in it. Then the new economy which was superimposed was different, but no effort was made to educate people to relate to it.[6]

Perhaps the best illustrations of educational discrimination in the Southwest are found in court reports. Suits attacking the physical segregation of Mexican-American students from White students were begun in Texas as early as 1930.[7] In 1946, in Mendez v. Westminster School District of Orange County,[8] the court found that Spanish-speaking children were being retarded in learning English because the segregated system reduced their exposure to English. In Gonzalez v. Sheely,[9] the court found that the defendant school district's policy of segregation fostered antagonism in the Mexican-American children and suggested inferiority among them. Another case illustrating racial discrimination against Mexican-Americans is Hernandez v. Texas,[10] where no Mexican-Americans had been summoned to jury duty in 25 years although Jackson County, Texas had a substantial Mexican-American population.

Whether because of discriminatory practices, indifference, or sheer inability to cope with the magnitude of the problem, southwestern schools have failed to meet the educational needs of the rural Mexican-American population. One-sixth of the Mexican-Americans in the rural Southwest have completed no years of education; the Mexican-Americans with no years of school out-number the high school graduates.[11]

When Mexican-American children are not segregated, the educational system often reflects the hostile attitude of the dominant society. "'It's the way the school feels, the attitude of the schools toward the Mexican-American,' a parent said in

Los Angeles in 1967."[12] To the migrant children, both Anglo and Mexican-American, schools often seem irrelevant and the atmosphere insensitive or hostile. The long history of educational failure among migrants and their children has made them suspicious of both education and educators.

Southwest school districts are often accused of failure to take advantage of Federal Grant-In-Aid Programs. The superintendent of a district in Texas which is about 70 percent Mexican-American explained that the school had not accepted federal funds because, "We feel like we are doing a pretty good job"; the median years completed by Mexican-Americans in that county are 2.1.[13] Other complaints made by Mexican-Americans include crowded and run-down facilities, large class size, poor counseling, poor vocational training, inappropriate teaching materials, and testing practices that isolate Mexican-Americans even with-in integrated schools.[14]

2. THE MEXICAN-AMERICAN LANGUAGE BARRIER

While the language problem of Mexican-Americans can not logically be separated from the historical suppression of the Mexican ethnic group in the Southwest, the impact of language difficulties on the Mexican-American migrant deserves special emphasis.

The tremendous learning disadvantage of a Spanish-speaking child placed in an educational institution where the only language of instruction is English can hardly be over-stated. In an effort to teach Spanish-speaking children English, Mexican-American children are often punished by spankings, by being forced to stand in a "black square", or by being fined a penny for every Spanish word spoken.[15] The result of such policies has been frustration, lack of self-esteem, and a high rate of school drop-outs. One educator was led to conclude, "the school districts of the Southwest have the unique honor of graduating students functionally illiterate in two languages."[16]

In June and July of 1967, hearings were held before the Special Subcommittee on Bilingual Education, a subcommittee of the Senate Committee on Labor and Public Welfare. The result of those hearings was the enactment of the Bilingual Education Act[17] authorizing federal grants to local schools to develop and operate bilingual educational programs, particularly for elementary years, for Spanish-speaking students.[18]

3. MIGRATORY TRAVEL - SCHOOL ATTENDANCE

By definition the migratory worker is required to travel. The dilemma of the traveling migrant may have been best illustrated by the case of Roberto Valenzuela who was anxious for his oldest son to learn English.[19] He attempted to take his son out of the special school for migrants, where instruction was exclusively in Spanish, and tried to enroll him in regular public school where he could learn English. Roberto, however, could not enroll his son in regular school until he lived in the permanent section of the Colorado Labor Camp and, although there were units available in the permanent section of the camp, he could not live in that section until he had lived at the camp for six months -- a policy that effectively encourages migrants to move on. Roberto was soon forced to leave the camp to seek his meager livelihood elsewhere; he might never live anywhere for six months.[20]

Nationally, approximately 300,000 children accompany their migrant parents in the annual treck for work.[21] In Washington, Mexican-American migrant children outnumber the Anglo migrant children by a ratio of almost two to one.[22] The high proportion of Mexican-American children is not surprising in view of the relatively large family unit in which Mexican-American families migrate; the median Mexican-American migrant family size in Washington is 6.2 persons while the median Anglo migrant family size is 3.2 persons.[23] The difference in school attendance patterns of migrant children also varied by ethnic group. Mexican-American migrant children in Washington attended an average of 17 weeks of school in various schools and in various states each year, as compared with an average of almost 27 weeks for Anglo children.[24] All migrant children averaged 21.3 weeks per year; the average school year usually lasts for 36 weeks.[25]

4. INADEQUATE PRE-SCHOOL PREPARATION

Indirectly related to the effects of migrant travel is the problem of both parents working in the fields. About 54 percent of all female migrants in Washington worked in agriculture and about three-quarters of all female migrants above the age of 15 were engaged in agricultural labor.[26] Thus, the woman's role in the migrant family is primarily as a money-earner rather than as a house-keeper. Children are often cared for in the field or in the family car. It has been suggested by one author that many migrant children are retarded as a result of the migratory life;[27] because no one patiently answers his questions, because no one gives him basic instructions about sounds, shapes, and colors, and because he fails to receive other stimuli which the maturation process requires, the migrant child is likely to be deficient in the equipment of learning.[28] Migrant Day Care Centers offer great potential for providing migrant children with proper pre-school experiences; however, most day care centers have been primarily custodial, as opposed to educational, in approach.

5. CHILD LABOR

Opportunities for education are significantly reduced for children who work in the fields and for those who suffer from farm accidents. More than 12 percent of Washington's migrant labor force in 1966 was contributed by migrants under 15 years of age.[29] Almost 10 percent of all migrant children under the age of 10 worked in the crops; the percentage was about the same for both boys and girls. However, for the age group from 10 to 15 years, over one-half the male migrant children toiled in the fields while only about 5 percent of the female migrants worked in agriculture.[30] In the age group of 16 to 19, 97 percent of the male migrants and 70 percent of the female migrants worked in the fields.[31] It is clear from this data that migrant children often traveled and worked with their parents to supplement the family income. "Moreover, many migrants expect that their children will make their living in the fields. Hence they fail to see the purpose of education."[32]

Farm accidents and hard work reduce educational opportunities of migrant children. Beginning January of 1964, 28 states were surveyed for an 18 month period; of those accidents reported, 1,849 were to children under 18 employed in agriculture.[33] "The California Department of Industrial Relations reports that each year 500 children of school age in California suffer lost schooltime due to farm injuries. More than half of these children are under 16 years of age."[34] Moreover, there is evidence that constant labor in the fields is harmful to the health of young children; chronic fatigue and under-nourishment lowers the child's resistance to infectuous diseases.[35] The impact of agricultural labor on the health of migrant children will be discussed in greater detail in Chapter 4.

6. INADEQUATE ADULT EDUCATION

There are inadequate opportunities for adult migrants to receive free or low-cost education or training. Mexican-Americans in particular are unable to find free instruction in the English language. As one educator put it, "odd as it may seem, the United States Government has done more to help citizens of other countries to learn English in their own lands than it has done for non-English-speaking American citizens in this country."[36] Special instruction in the English language is an essential prerequisite to any job retraining or expanded employment program.[37] For example, in 1967, of the very few Washington migrants (16 percent) who had received any vocational training, 88 percent were Anglos and only 6 percent were Mexican-Americans.[38] As will be discussed in Chapter 3, the future holds less-and-less agricultural employment for Mexican-American laborers; consequently, massive training programs will be necessary to move these people into other occupations.

C. WASHINGTON STATE AND MIGRANT EDUCATION

The problems of migrant education are not peculiar to the southwestern states. Of all migrant families in Washington during the 1967 harvest, 28 percent had wintered in Washington.[39] While only 7 percent of the Mexican-American families wintered in Washington,[40] those families are large averaging 6.2 persons per family.[41] During the past ten years over 10,000 Mexican-Americans, whose lack of skills and education make them ideal as farm laborers, have been recruited by the State for the southern part of the Yakima Valley alone.[42] Consequently, several Mexican-American farm worker communities have been established in the State of Washington; the population of the Mexican-American Farm Labor Community in the southern part of the YakimaValley has been variously estimated between 8,000 and 12,000.[43]

As previously stated, basic education and instruction in the English language are basic pre-requisites to vocational training; Washington State's Adult Education Program is painfully inadequate. The Washington State Migrant Education Program, supported by federal appropriation, is administered by six community colleges,[44] and has a maximum capacity of 600 adult students.[45] Forty-two Washington State school districts administer federally funded special migrant education programs for school age migrant children; it is estimated that these programs serve approximately 7,000 students.[46] At the pre-school level, plans are being formulated to provide some sort of educational curriculum for migrant day care centers in Washington State.

Neither Washington's efforts nor its successes in migrant education have been spectacular. According to a 1968 report by the Washington State Joint-Committee on Education:

> No over-all attack has yet been launched in Washington on the education deprivations suffered by the migrant child. Some efforts are being made by the Superintendent of Public Instruction's office, but what programs do exist are operated by the school districts servicing migrant populations and are financed primarily through federal appropriations. It is the Subcommittee's belief that, with few exceptions, these efforts are inadequate.[47]

The Subcommittee expressed concern that local school authorities fail to account for the basic poverty of migrant students by expecting them to dress, eat, and think like other students. "Seldom can the migrant child afford to live like his classmates; and, consequently, such expectations are offensive to him and contribute to his hostility towards education."[48] Furthermore, the Subcommittee reported that some local school administrators had, for some reason, exercised their discretion not to provide free lunches for migrant children even though funds were appropriated for that purpose.[49]

CHAPTER III MIGRANT WAGES AND INCOME

A. EXISTING WAGE CONDITIONS

1. BELOW THE POVERTY LEVEL

"Migrant workers do not become poor because they work in agriculture; rather they become migrants because they have already become poor."[1] Nationally, in 1964, 83 percent of the non-White migrant families had incomes below $3,000.[2] While the average Washington State family had an income of about $7,000 in 1966, the typical Washington migrant family had a family income of only $2,300.[3]

Consulting Services Corporation, after a survey of 18 Washington counties which use approximately 90 to 95 percent of the Washington migrant work force, was brought to the following conclusion:

> Perhaps the most striking conclusion of the survey was that the typical family income was well below that level by which we normally define "poverty." There is probably no statistic which so clearly differentiated the migrant population from the total population as that which states that the average total annual income for a migrant family was about one-third that of the average family residing in Washington State. When one considers fringe benefits available to most employees in Washington State such as paid sick-leave, holidays, vacations, and health insurance, the income difference is even more striking.[4]

2. WAGES

Not only is farm work seasonal and sporadic, but the farm workers' wage rate is the lowest of all our nation's occupational groups; the national average in 1967 was $1.33 per hour.[5] In 1967, Washington's average wage for farm workers, at $1.59 per hour, was the fourth highest in the nation.[6] Most migrants, however, do not work for an hourly wage; in 1966, 72 percent of Washington's migrants reported that they were being hired on a "piece rate" and not an hourly wage.[7] In 1966, for all migrants in Washington, the median number of hours worked per day was 8.6 and the median daily wage was $13.10. Migrant heads-of-household worked a median of 8.9 hours and earned an average wage of $14.20 per day.[8]

Stoop labor in Washington, mostly the hoeing and picking of row crops, received the lowest median wage in 1966 at about $1.41 per hour.[9] Mexican-Americans, who provide most of the stoop labor, on an average receive slightly less income than Anglo migrants.

3. THE BONUS SYSTEM

The "bonus system", used by about one-half of Washington growers,[10] is an arrangement whereby a worker who remains in the grower's fields until the crop harvest is finished receives a certain amount of money or a "bonus" based on his previous earnings. The grower views the bonus as extra remuneration above the promised rate to assure himself of sufficient labor to complete his harvest. The farm worker views the bonus as the amount with-held from the wage promised by the grower to prevent him from moving to where the crops and wages are better.[11] Whichever view is correct, the bonus system may be easily abused. Farm workers tell of growers who find excuses to fire whole families or purposely provoke migrants into quiting before the end of the harvest;[12] in either case, the migrant loses his accumulated bonus.

4. WAGE LEGISLATION

(a) WAGE COLLECTION LAWS

A Washington statute[13] allows employees to recover wrongfully withheld wages together with double damages and costs in a civil action. The statute, however, offers little relief to the typical migrant who lacks the knowledge, money,and time to pursue such a remedy in court.

Another statute[14] authorizes the Department of Labor and Industries to collect wages for employees who are financially unable to employ counsel. However, the Department of Labor and Industries does not pursue wage claims when the issue boils down to the employer's word against that of the employee, which is almost always the case in typical casual contracts for farm labor.

(b) STATE MINIMUM WAGE LEGISLATION

Seven states provide some sort of minimum wage protection for farm workers. Hawaii, Massachusetts, Michigan, New Jersey, and New Mexico have statutes covering farm employees.[16] Administrative agencies in California and Wisconsin have issued minimum wage orders covering women and minors employed in agriculture.[17] California's order is currently in abayance while legal issues are judicially resolved.[18] (Note: The minimum wage and overtime pay provisions of California's Industrial Welfare Commission orders 8-68 (Commercial Packing Sheds) and 13-68 (Packing Sheds on Farms) and the minimum wage requirements of Industrial Welfare Commission order 14-68 (Agricultural Work in the Fields) have been ruled valid by the California Courts and the Division of Industrial Welfare is enforcing these provisions as of November 13, 1968.)

Washington State's Minimum Wage Act specifically exludes agricultural employees.[19] The Washington State Female and Child Labor Act[20] authorizes the Industrial Welfare Committee to establish minimum wages for women and children; however, no minimum wages have been established for Washington farm workers.

(c) FEDERAL MINIMUM WAGE LEGISLATION

(i) COVERAGE

In 1966, Congress amended the Federal Fair Labor Standards Act to extend, for the first time, federal minimum wage coverage to farm workers.[21] The minimum wage increased over a three year period; a minimum of $1.00 during 1967, a minimum of $1.15 per hour during 1968, and from February 1, 1969 and thereafter, the minimum wage is $1.30 per hour.[22]

(ii) INEFFECTIVENESS

While the minimum wage coverage is a bold step toward extending federal labor protection to farm workers, the new minimum wage laws will not have the desired beneficial impact on the economy of the Washington migrant.

First, the minimum wage is too low to help migrants. Even if a migrant could work a steady 50 weeks a year at 40 hours per week, an impossible feat for any migrant, his annual income, at $1.30 per hour would be $2,600, still below the poverty level. Moreover, the typical migrant worker in Washington earned about $1.50 per hour during the 1967 harvest.[23]

Second, extensive exceptions have been built into the minimum wage coverage for farm workers. The most important exception is that the regulations do not appy to growers who did not, during any calendar quarter of the preceding year, use more than 500 man-days of agricultural labor.[24] Thus, only about 33,000 or 1 percent of all farms in this county are large enough to be affected by the new wage law.[25] Coverage will reach about 390,000 of the 1.4 million hired farm workers in the United States.[26] Even a 100 man-day test would not mean total coverage since only about 7 percent of our nation's farm employers would be covered.[27]

Certain other employees are excluded from coverage. Hand-harvest workers who are paid on a piece-rate basis, and who commute daily from their permanent homes, and who were employed in agriculture for less than 13 weeks during the preceding_ quarter are exempt from coverage.[28] Furthermore, the cost of lodging and services customarily furnished to the employee may be deducted for the minimum wage.[29]

Third, there is inadequate enforcement of the minimum wage act by the Wages and Hours Division of the United States Department of Labor. The Division only has 8 field representatives to cover the entire nation and complaints must be in the proper form and brought to the attention of the proper authorities or they are never acted upon.[30] One author concluded:

> Given Wages and Hours present attitude, it would be better not to have agricultural labor covered under the Fair Labor Standards Act than to have coverage which is meaningless.[31]

B. CAUSES OF LOW MIGRANT INCOME

1. UNAVAILABILITY OF STEADY EMPLOYMENT

One of the principal problems faced by the migrant worker is his inability to work steadily. Nationally the average migratory worker was employed for only 82 days at farm work in 1965.[32] Non-casual migratory workers-- those that worked more than 25 days a year -- worked an average of 121 days in 1966.[33] In 1965, about half of the nation's migrants did non-farm work during the year; those who did non-farm work during the year averaged about 158 days of paid employment while those who did only farm work were able to average only 104 work days.[34]

Not only do migrants find themselves unemployed because of off-seasons and travel time, but there are indications that mechanization of certain agricultural industries has left employment gaps and delays in the former harvest cycle.[35] Moreover, it is the employee and not the employer who must bear the employment loss due to bad weather or other unforeseen harvest problems; once the migrant has been recruited, he has no alternative course of employment during unfavorable harvest conditions.[36]

Consulting Services Corporation calculated that to raise the migrants to an income level approximating the state average -- and assuming that the migrant can only work the same number of hours as he did during 1965 -- the grower would have to pay an equivalent of roughly $5.40 per hour.[37] The above calculation should suggest that minimum wage legislation alone will not solve the poverty of the migrant; on the contrary, efforts to assure more continous agricultural employment and more non-agricultural employment are necessary.

2. MECHANIZATION

Agriculture is one of the most increasingly efficient sectors of our national economy. Farm output per man-hour climbed 61 percent between 1957 and 1967.[38] In Washington, the State Employment Security Department reports that machines are being tested for the harvest of asparagus, tomatoes, grapes, raspberries, and a machine is being developed to effect substantial labor savings in the hop industry.[39] Machines are also being tested in the soft fruit industry; however, no extensive reduction in labor needs are seen in the immediate future for the soft fruit industry because of expected increased production of Washington apples and other soft fruits.[40] An actual increase of 15 to 20 percent in farm labor demands by 1975 has been predicted.[41]

It seems certain that the long range result of mechanization will be to reduce the demand for migratory labor. The Mexican-American migrant is experiencing the effects of mechanization already; primarily because the greatest advances in mechanization have been in crops requiring stoop labor, work usually done by Mexican-Americans.[42] The effect of mechanization also weighs heaviest on the Mexican-American because he possesses less education and skill.[43] "The worker who is displaced is more likely to be unskilled, while the worker who moves into industry is quite likely to have some skills and is the type most needed to operate the machinery."[44]

3. THE LABOR CONTRACTOR

(a) ABUSIVE PRACTICES

The labor contractor plays an important role in the lives of many migrants. He often arranges transportation and lodging for migrants; arranges employment terms with the employer,acts as a crew leader in the fields and personally collects and distributes wages to the migrants. Thus, the contractor has tremendous control over his workers and the system is inherently subject to abuses. Reports are common of farm labor contractors recruiting migrants with promises of high wages, good working conditions, and other misrepresentations.[45] There are frequent reports of contractors taking double collections from both the farmer and the migrants for travel expenses, for handling the employment arrangements, and for being a crew leader in the fields.[46] Contractors are also accused of renting the farmers' housing to the workers at extraordinary mark-ups, and of keeping the workers in a condition of peonage by loaning them money for transportation and food at extraordinarily high rates of interest.[47]

Perhaps the best illustration of the contractor system was provided by an assistant professor of law who hired himself to a labor contractor while he gathered material for a seminar class. Unknown to the professor, for every acre of beets that he hoed, the farmer paid $14.00; the professor got $7.20 and the contractor got $6.80.[48]

(b) LABOR CONTRACTOR REGULATIONS

(i) PROVISIONS OF THE FEDERAL FARM LABOR CONTRACTOR REGISTRATION ACT

In 1964, Congress decided to regulate "irresponsible contractors -- who exploit producers of agricultural products, migrant agricultural laborers, and the public generally."[49] The Act requires that any person who recruits, hires, or transports 10 or more migrants in interstate commerce must register with the Department of Labor's State Employment Service.[50] The applicant must submit proof of motor vehicle insurance, information concerning his contracting operations, and a set of his finger prints.[51] The registration certificate may be revoked or suspended if the registrant: (a) knowingly gives false or misleading information to migrant workers concerning the terms, conditions, or existence of employment; (b) unjustifiably fails to carry out his agreement with either the growers or the migrants; or (c) is convicted of certain crimes.[52]

Furthermore, the contractor is required to disclose to each worker, to the best of his knowledge, the area of employment, the crops and operations of employment, the transportation and housing to be provided, the wage rate to be paid, and charges for the contractor's services.

The contractor is also to keep certain payroll and employment records.[53]

(ii) INADEQUACIES OF THE FEDERAL FARM LABOR CONTRACTOR REGISTRATION ACT

The Federal Farm Labor Contractor Registration Act does not sufficiently regulate the conduct of labor contractors. The act should have required that the contractor not only "disclose" information about employment terms and conditions but should also have required that the disclosure be in writing and that a copy be served upon each recruit. A written record is the only effective means of establishing what communications were given and preventing fraudulent misrepresentations. When non-English-speaking persons are employed, the information should be in their mother tongue.

The contractor should be required to convert piece rates and hourly rates into weekly income, thereby requiring the contractor to estimate the condition of the crops and the number of hours of employment available. Moreover, the contractor who imports workers across state lines should be required to file proof that he has prearranged employment with growers so that each recruited worker is assured a minimum number of hours of work per day and per week at a given wage rate. Fraud could be reduced simply by requiring that each farmer pay wages directly to each employee.

The regulations that do exist under the Farm Labor Contractor Act are not adequately enforced. While it is estimated that 8,000 to 12,000 farm labor contractors will eventually be registered, as of 1967 only 2,141 contractors were registered.[54] In 1967, only 3 applications were denied and only 18 registrations suspended.[55] The United States Senate Subcommittee on Migratory Labor reported in 1967:

> The enforcement of the registration provisions of the Act (Farm Labor Contractor Registration) continues to be a serious problem due largely to the difficulty of finding and identifying the crew leader after he has departed from his State of residence, and because many crew leaders subject to the Act endeavor to evade its registration provisions. This problem is further compounded by the field staff of the Labor Department's Farm Labor Contractor Registration Section being limited in 1967 to five professional employees.[56]

(iii) THE WASHINGTON STATE FARM CONTRACTOR ACT

Only California,Colorado, Nevada, New Jersey, New York, Oregon, Pennsylvania and Washington have laws regulating farm labor contractors.[57] The Washington State Farm Contractor Act is primarily a licensing act with a $10 annual fee.[58] The Act requires, as a condition to receiving a license, that an applicant furnish proof of motor vehicle insurance.[59] The Director of the Department of Labor may require a surety bond from the applicant to assure compliance with the Act.[illegible] The license may be suspended or revoked for certain violations of the law, for making fraudulent misrepresentations to workers regarding the terms and conditions of employment, or for supplying labor where he knows a strike or lockout to exist.[61]

The criticisms of the inadequacies of the Federal Farm Labor Contractor Registration Act provisions apply with equal force to the Washington State Act. Enforcement of the State Provision leaves a great deal to be desired. Only 51 contractors had been licensed under the Act by July of 1968,[62] and reports of notorious abuses by labor contractors continue.[63]

4. DEPARTMENT OF EMPLOYMENT SECURITY -- A MAXIMUM WAGE LIMIT

(a) THE SERVICES AND ACTIVITIES OF THE DEPARTMENT OF EMPLOYMENT SECURITY

A federal statute enables states to establish a network of employment offices throughout the nation.[64] Pursuant to the act, the State of Washington provides for the cooperative recruitment of farm laborers.[65] The Employment Security Department staffs local farm labor offices throughout the State. Upon requests by farmers, migrants are referred to farmers who want to hire agricultural workers.[66] In 1967, about 22 percent of Washington's migrants reported that they used the State's Employment Service sometime during the year and approximately 23 percent of the growers reported using the Employment Service.[68]

In addition to local farm placement offices, under the "Annual Worker Plan," the State Department of Employment Security recruits workers from other states to work on Washington farms. Local growers place orders for a specific number of seasonal workers for a specified date; the orders are transmitted through federal channels to the appropriate state. The principal state of Washington's recruitment is Texas; in 1968, "plans were made with the Texas State Employment Commission for the recruitment of nearly 2,000 workers under the orderly scheduling procedures of the Annual Worker Plan."[69] Each year the Washington State Employment Security Department sends two men to Texas to personally handle recruitment arrangements.[70]

To protect the recruited worker, Employment Security requires that the employer provide a bona fide job, wages at the prevailing rate, adequate housing arrangements, and advance $30 for transportation costs which can later be deducted from the worker's wages.[71]

To protect the local farm worker, federal regulations prohibit interstate recruitment of agricultural workers without assurances from the state that there is an inadequate local labor available at the prevailing wage rate.[72] Accordingly, the State's Employment Security Department, at the beginning of each year, makes pre-season estimates of the State's seasonal labor requirements.[73] Arrangements for workers needed for asparagus cutting in April are often made as early as January.[74]

(b) THE MAXIMUM WAGE LIMIT

Assuming that a reasonably free market exists, wages will be established at a level sufficient to attract the amount of labor demanded; i.e., where supply equals demand. There are two ways in which wages may be artificially adjusted to vary from the supply-demand rate: (a) by artificially placing a ceiling or a floor on the legal wage;and (b) by artificially adjusting the supply of labor to maintain the fixed rate.

The higher the wage level, the more people in the local wage force will be induced to hire baby sitters, find transportation, leave other sectors of employment, and otherwise overcome the current barriers to their working in agriculture. No accurate estimate of the local labor supply can be made until a wage rate is settled upon. The Department of Employment Security bases its estimated supply of local labor at the "prevailing" wage rate. The "prevailing" wage is not based upon a free market; in fact, the employees are hardly consulted. When more than 100 interstate workers are recruited for an agricultural industry, the "prevailing" wage is determined by surveying farmers in that industry; when fewer than 100 interstate workers are recruited for a particular crop, the "prevailing" wage is determined by what the going rate was during the previous season.[75] The entire system of importing out-of-state workers to work at the "prevailing" rate necessarily operates to suppress any natural rise of farm worker wages. The farm worker has no opportunity to negotiate a supply-demand wage; by changing the supply factor, the Department of Employment Security maintains the maximum wage at the pre-determined "prevailing" wage.[76]

The above analysis of Washington State's "Annual Worker Plan" is admittedly superficial and it is possible that if the State terminated the interstate recruitment of farm workers, growers would merely turn to unscrupulous labor contractors who would provide the recruitment service. However, the State should re-examine its role of depressing farm labor wages by artificially adjusting the labor supply. The interests of both the farmer and the farm worker may be best served by the careful control and regulation of independent recruitment and migration.

5. A DISADVANTAGED BARGAINING POSITION

So much has been written about the disadvantaged status of the agricultural worker that the wretchedness of his position needs no elaboration. Some attention should be given, however, to the migrant's ability to improve his own lot.

(a) LACK OF LEADERSHIP --- THE LABOR CONTRACTOR

Those migrants who are able to acquire the training and skills of leadership are quickly syphoned off the ranks of the field workers. Many of those with leadership potential become labor contractors. The labor contractors are in business for themselves -- not for the workers.[77] There is ample evidence that the labor contractor abuses his position of control. Indeed, the labor contractor may prevent the workers from taking advantage of what little social legislation is available to migrants so that he might better keep his workers indebted to him with loans.[78] Clearly the labor contractor, whose economic interest is entrenched with the status quo, will not be the leader of change.

(b) LACK OF FREE MARKET

It is sometimes said that, "no one forces a migrant to work in the fields, he can work elsewhere if he chooses." The fallacy of that statement is that it assumes that the migrant is free to change occupations. A free labor market requires that the worker have knowledge of other employment opportunities, that the worker has the skills and mobility to move to the alternate employment, and that the worker can freely negotiate between alternative employers. The typical migrant lacks the knowledge, the skill and mobility, and the bargaining position to take advantage of other employment opportunities. Many migrants, because of racial discrimination and lack of education, are permanently tied to the migrant stream.[79]

(c) INABILITY TO ORGANIZE

(i) DESIRE TO ORGANIZE

That farm workers, if given the opportunity, would choose to organize seems beyond question. On August 30, 1966, elections set up by Governor Brown of California were held to determine bargaining representatives of agricultural field workers on the Di Georgio properties near Delano and Borrego Springs, California. Of 878 unchallenged votes only 12, fewer than 1-1/2 %, voted for no union; thus illustrating that when given an opportunity to express their choice, farm workers will vote to organize and bargain collectively.[80]

(ii) POVERTY AND LACK OF EXPECTATIONS

When the typical total annual income of a migrant family is well below $3,000 each year,[81] the migrant must work at every opportunity just to stay alive -- there is little opportunity to organize. Moreover, the migrant's expectations must rise to a level at which he feels the chances of success justify the risks of organization.

(d) LACK OF LABOR RELATIONS LEGISLATION

(i) THE NATIONAL LABOR RELATIONS ACT

The lack of farm labor organization can be traced to a significant degree to the exclusion of farm labor employees from the collective bargaining protection of the National Labor Relations Act.[82] According to the United States Senate Subcommittee on Migratory Labor:

> The agricultural industry exclusion is specifically incorporated into Federal and State Labor Relations laws which have covered most other American workers for three decades, so that denial of the basic right of association and collective bargaining constitutes a most pernicious form of legal discrimination. Not only is the industry denied the protection of such laws, but the farm workers (and particularly the migrant workers) freedom of association and organization is further impeded in many instances by state and local laws and ordinances which constitute insurmountable barriers to organizational activities.[83]

(ii) WASHINGTON STATE LABOR RELATIONS LAW

Washington does not have a labor relation law similar to the National Labor Relations Act. However, the Washington State Supreme Court has held that, not withstanding exclusion from federal coverage, a Washington employer may not fire employees because of their union activities. If an employee is fired for unionizing, the employee is entitled to reinstatement and recovery of back wages.[84] One author believes that the Washington Court, would, if the issue were raised, extend this protection to agricultural labor organizers.[85]

(e) DISENFRANCHISEMENT AND POLITICAL IMPOTENCE

(i) INADEQUATE LOBBY

The farm interest and the grower lobbies have been one of the most significant political influences in America since the Grange Movement in the 1870's.[86] By contrast, the migrant has only do-good lobbyists to look after his interests.

(ii) WASHINGTON STATE'S LITERACY REQUIREMENT

Migrants, particularly Mexican-American migrants, are excluded from the political arena. Many of those who must travel from state to state to eek out an existence are denied the right to vote because of local residency requirements.[87] Furthermore, while only 18 states in our union require literacy as a pre-condition to voting,[88] three of those states, California, Oregon,and Washington, are along the Pacific Coast Migrant Stream; therefore, many Spanish-speaking migrants are precluded from exercising the franchise.[89]

In Washington, there are several large communities of Mexican-American farm workers; in the southern portion of the Yakima Valley alone, the Mexican-American population has been estimated at between 8,000 and 12,000.[90] Many of these Mexican-Americans are denied the franchise solely because they cannot "read and speak the English language so as to comprehend the meaning of ordinary English prose," as required by Washington law.[91] While the Washington law also requires the registration officer to satisfy himself that a voting applicant can read and speak English by having the applicant read aloud,[92] the Washington State Attorney General has issued an opinion that the reading test violates the federal Voting Rights Act of 1965.[93]

Migrants often find it difficult to assert their rights in a community that is antagonistic and sometimes hostile toward them. The registration procedure itself may be a humiliating experience for a Mexican-American who lacks confidence in his English language ability. The result of the Attorney General's opinion requires that a Mexican-American registration applicant swear under oath that he can read and speak ordinary English prose.[94] The Yakima County Auditor has refused to exercise his statutory authority[95] to appoint a Spanish-speaking deputy registrar or to allow mobile deputy registrars to go from home-to-home to register voters.[96]

When a significant ethnic group or other class of persons with similar economic and social interests are not allowed a voice in determining public issues and selecting those who govern, the legitimacy of the government, particularly local government where political decisions will have the greatest direct effect, is weakened. To the excluded ethnic group, the law becomes a foreign thing imposed by foreign people. When there are no votes to attract, politicians are less likely to develop programs responsive to the needs of that ethnic or other socio-economic class. Predictably, the disenfranchised group is likely to be alienated from the normal political process.

(iii) DISCRIMINATORY PURPOSE OF LITERACY REQUIREMENTS

While the Washington literacy requirement currently has the effect of suppressing Mexican-Americans, there is ample evidence that Washington and other West Coast States initially imposed a literacy qualification to suppress people of Chinese origin; just as East Coast States enacted literacy requirements to suppress Irish and Southern European immigrants and Southern States used literacy qualifications to suppress Negroes.[97] Of the 18 states that condition the right to vote on some sort of literacy, all but one, Wyoming, are boarder states that receive immigrants.

CHAPTER IV MIGRANT HEALTH

A. LACK OF GENERAL HEALTH CARE

1. LIFE EXPECTANCY

The amount of sickness, infectuous diseases, and injuries borne by the migrant worker and particularly the Mexican-American migrant is absolutely staggering. While the average American in the United States can expect to reach 70 years of age, the Mexican-American migrant in the State of Washington has a life-expectancy of only 38 years.[1] Anglo migrants in Washington, with a life expectancy of 55 years, survive significantly longer than the Mexican-Americans.[2]

2. INFANT MORTALITY AND PRENATAL CARE

To a great extent the incredibly short life-expectancy of the Mexican-American migrant can be attributed to the fact that 36 percent of their children die at birth.[3] The one-third infant mortality rate is not due solely to lack of medical attention at the time of birth. According to a recent survey, approximately 92 percent of migrant mothers went to the hospital and were attended by a physician when giving birth; another 3 percent had their babies delivered by physicians; 3 percent were attended by midwives; and only about 2 percent had no help at all or were helped by an unidentified source.[4]

The Mexican-American migrant infant mortality rate can best be explained by the effects of travel, work, and lack of proper prenatal care during pregnancy which are discussed elsewhere in this report.

3. HEALTH EDUCATION --- SANITATION, SICKNESS, DISEASE

The principal cause of the low level of migrant health is poverty and the related lack of health education. In 1966, 74 percent of the Washington migrants reported that they had never been exposed to preventative innoculations and about 39 percent of the Mexican-American migrant children had never received immunizations.[5] The Senate Subcommittee on Migratory Labor has reported that migrant mortality rates from tuberculosis, influenza, pneumonia and other infectuous diseases are more than twice the national rate.[6]

The two most prevalent illnesses reported by Washington migrants in 1966 were gastrointestinal and respiratory problems.[7] These illnesses are likely to be caused by improper sanitation and nutrition. Because of inadequate health education, migrants are probably not able to properly recognize the nature of their illnesses and probably more likely to use home preparations.

4. HEALTH COSTS AND OTHER HEALTH PROBLEMS

Poverty handicaps the migrant's health welfare. While the average per capita health-care expenditure in 1967 for the entire national population was approximately $200, the average per capita health-care expenditure for migrants was $7.20.[8] Lack of transportation and fear of local community hostilities undoubtedly deter some migrants from seeking the medical care they need. The very communities which demand the services of the unskilled and impoverished migrant tend to reject the migrants with restrictive state and local welfare practices.

Many of the major causes of the general low level of migrant health are so important that they deserve special emphasis and will be discussed separately: Those major causes include farm accidents, the employment of women and children in the fields, and the condition of migrant housing.

5. FEDERAL MIGRANT HEALTH PROGRAMS IN WASHINGTON

Under the Federal Migrant Health Act, initially enacted in 1962, federal grants are awarded to state migrant health projects. The State of Washington currently has three, principally federally funded, migrant health projects.[9] Two county health departments, in Skagit and Whatcom Counties, have migrant health projects that are funded directly by the federal government. Four other counties, Chelan, Yakima, Okanogan, and Douglas, operate migrant health programs under a state administered project.[10]

It is difficult to analyze the quality and effectiveness of Washington's migrant health efforts; however, by comparing the number of Washington's migrant health projects and the size of Washington's federal appropriation to that of other states, doubts are raised as to whether Washington is doing its share. While Washington ranks about fifth in the nation for the total use of migrant workers and ranked about third during the month of September,[11] Washington ranked only twelfth in the size of its Federal Migrant Health Project appropriation in 1967.[12]

B. FARM ACCIDENTS

1. FREQUENCY AND MAGNITUDE

Agricultural work is a hazardous occupation by American standards. In 1964, when agriculture accounted for only 7 percent of the total employment, 13.2 percent of all disabling injuries and 22.5 percent of all fatalities from work occurred in agriculture.[13] The accident mortality rate for migrants was nearly three times the rate for American workers as a whole.[14] The accident death rate for agricultural workers is exceeded only by those for miners and construction workers.[15]

In Washington, migrants pick fruit while perched on ladders and harvest row crops with sharp cutting tools and machines. More than 2 percent of the Washington migrants interviewed in 1966 had been injured on the job during the previous 30 day period.[16]

2. STATE INDUSTRIAL INSURANCE

(a) LIMITED COVERAGE

Twenty-three states provide some form of workman's compensation for agricultural workers;[17] however, until 1969, Washington did not require compulsory State Industrial Insurance coverage for any agricultural worker. As the result of hearings conducted by the Washington Department of Labor and Industries, mandatory Industrial Insurance coverage has recently been provided for workers planting, cultivating, pruning and harvesting fruit trees on farms with twenty or more fruit trees and workers planting, cultivating, pruning and harvesting hops.[18]

(b) INADEQUACIES OF COVERAGE

The first and most obvious inadequacy of Washington's limited coverage of agricultural workers under the State's Industrial Insurance plan is that employees in only two of Washington's many agricultural industries are protected.

Second, even in the hop and tree-fruit industries "casual employees" are not covered;[19] a casual employee is defined as one who has received less than $150 cash remuneration from the employer.[20] A casual employee is no more immune to on-the-job accidents than non-casual workers. Moreover, the exclusion means that every migrant worker will have to work approximately 2 to 2½ weeks, assuming a 40 hour week and $1.60 per hour pay rate, with each employer for whom he works before he will become covered by the Industrial Insurance plan. More information is needed to determine approximately what percentage of the time the typical migrant will be covered by the Industrial Insurance plan. While avoiding undue paperwork for the farmer may justify excluding some level of casual workers, the $150 level seems to place an unreasonable burden upon the farm worker.

C. FEMALE AND CHILD LABOR

1. NUMBER OF WOMEN AND CHILDREN IN THE FIELDS

Available data suggests that the role of the female migrant is primarily that of a wage-earner rather than a homemaker. Female workers contributed 31 percent of the total Washington migrant labor force in 1966.[21] Fifty-four percent of all female migrants worked in agriculture, and about three-quarters of all female migrants above the age of 15 were engaged in farm work.[22]

Migrant children are also engaged in agricultural employment to a significant extent. According to the Senate Subcommittee on Migratory Labor, about 800,000 or one-fourth of the nation's paid farm labor force are children under the age of 16.[23] In 1966, more than 12 percent of Washington's migrant labor force was contributed by children under 15 years of age.[24] About 10 percent of the children under 10 years of age worked in the fields;[25] over one-half of the male migrant children worked in the fields while only 5 percent of the female migrant children were in the fields.[26] About 97 percent of all male and about 70 percent of all female migrant children between the ages of 15 to 19 years toiled in the fields.[27]

2. THE COSTS OF HAVING WOMEN AND CHILDREN IN THE FIELDS

(a) FARM ACCIDENTS

Women and children are not spared from accidents in the fields. A recent Department of Labor study covering only seven states, and incomplete even in those states, showed nearly 4,000 injuries in 2 years to farm workers 10 to 17 years old.[28] While there is no data on the number or seriousness of injuries sustained by female migrants, the mere fact that they labor in the fields would indicate that many women fall prey to farm mishaps.

(b) GENERAL HEALTH

Several leading physicians have concluded that arduous farm work is harmful to the health and natural development of migrant children:

> First, a child early in life must grow and gain weight. Agricultural labor --- requires constant bending and stooping and frequent lifting. This excessive muscular activity expends the child's energy which should be used in the natural process of growth. Consequently, children who engage in much arduous labor become undernourished and undersized. Second, chronic fatigue lowers a child's

> resistance to disease. Infections, which are everywhere lying in wait for the growing child can find an easy victim in those who are overfatigued and undernourished.[29]

When working in the fields, both expectant mothers and mothers who already have families, are limited in their opportunities to provide proper health care for themselves and their children. Until recently, the State of Washington neither required farmers to provide adequate and safe potable water nor adequate sanitary toilet facilities to the workers in the fields.[30] Farm workers, both men and women, have often been forced to squat and deficate in the very fields in which they are working. The State Board of Health, on October 29, 1968, promulgated regulations requiring that potable water and sanitary toilets be provided to workers in the field;[31] but the implementation and enforcement of the regulation remain to be done.

(c) EDUCATION

The impact of travel and work on the educational opportunities of migrant children was examined extensively in Chapter 2. It shall suffice for this section to emphasize the relationship between child farm labor and the very low educational attainment average of the migrant worker.

3. FEMALE AND CHILD LABOR LAWS

(a) THE FEDERAL FAIR LABOR STANDARDS

In recognition of extensive injury rates to children in agriculture, the Secretary of Labor on July 1, 1967 issued regulations declaring certain farm activities too hazardous for children under 16 years old.[32] The regulations, however, do not preclude children from farm work customarily performed by children. Children are still engaged in many dangerous activities and little has been done to enforce the regulations. As for female migrants, the Secretary of Labor has not yet issued protective orders related to female farm workers.

(b) WASHINGTON STATE FEMALE AND CHILD LABOR ACT

Like much of Washington's social legislation, the Female Child Labor Act specifically excludes agricultural workers from its coverage.[33] However, the Department of Labor and Industry has not exercised its administrative discretion to provide protection for the women and children who do farm work. The Industrial Welfare Committee has the power to establish standards "demanded for the health and morals of the employees."[34] Most industries in which a significant number of women and children are employed are required to meet certain minimum standards of wages, rest periods, and eating, washing, and other facilities; however, women and children in agriculture are not similarly protected.[35] In view of the above discretion of the effects of field labor on women and children, coverage should be extended to protect migrant women and children.

D. MIGRANT HOUSING

1. MIGRANT HOUSING GENERALLY

Lack of adequate low-cost housing for the poor is a national problem. The migrant worker, however, faces a particularly acute housing problem. One Mexican-American in Colorado put it this way: "On various places they just run out the chickens and the migratory worker moves in. When he moves out the chickens move back in."[36]

A professor of law at the University of Colorado decided that the chickens were not so well off either.[37] Not all migrant housing is as bad as these comments would indicate and there seems to be mounting evidence for the proposition that the better the housing provided the migrant, the better the migrant performs on the job.[38]

2. MIGRANT HOUSING IN WASHINGTON STATE

(a) THE NUMBERS AND CONDITION OF WASHINGTON FARM LABOR CAMPS

While not all of the camps are in operation at the same time, Washington State has a capacity for nearly 25,000 migrant occupants.[39] About 52 percent of Washington's housing units for migrant workers were built almost 20 years ago and 34 percent were built before 1946.[40]

Consulting Services Corporation concluded that most of Washington's migrant housing satisfied the housing regulations that existed in 1967; however, significant deficiencies were found in the communal facilities in the farm labor camps. In 37 percent of the camps, toilets were not working properly, and in 15 percent of the camps they were unclean.[41] In 21 percent of the camps, communal toilet facilities were not separated for sexes and in 36 percent of the camps there was inadequate fly screening.[42] Some of the most critical descriptions of Washington State labor camps are directed at housing administered by county government.[43]

(b) INADEQUATE HOUSING AND MIGRANT HEALTH

Substandard housing clearly contributes to the low level of migrant health. Toilet and washing facilities are often unclean.[44] It has been reported that the storage of garbage is inadequate in about half of the camps, that row cabins frequently do not provide sufficient ventilation or fly screening and that migrants have no place to keep foods fresh.[45] All of these conditions increase the potential of infectuous diseases and other health problems.

Reports of physical injuries suffered from camp conditions due to broken glass, poisonous materials, collapsing cabin floorboards, wood stoves, fire hazards and other conditions are frequent.[46] In one incident, a child was burned to death when a one room cabin with newspapers stuffed in the open cracks caught fire.[47]

(c) THE FARMER BEARS THE BURDEN

Everyone in agricultural communities and, indeed, everyone in Washington State shares directly or indirectly in the prosperity that results from the use of migrant labor. It is estimated that nearly $6 million was spent by all migrants for food in Washington State during the 1966 harvest season. They spent approximately $675,000 for rent.[48] Of all migrant families, 60 percent owned automobiles and 32 percent had purchased their vehicles in Washington State.[49]

In spite of the shared benefits, the farmers alone bear the burden of providing adequate housing for migrants during peak periods of harvest. Farm housing for migrant workers is provided by 64 percent of the Washington State growers; this housing accounted for 86 percent of Washington's migrant housing.[50] Only 1 percent of the State's migrant housing is government owned.[51] County governments should take a leading role in solving the migrant housing problem; county governments are better able to take advantage of federal matching programs and to make the necessary capital out-lays required to provide adequate migrant housing.

3. MIGRANT HOUSING LAWS

(a) FEDERAL REGULATION

(i) HOUSING PROGRAMS

Agricultural worker housing aids are available from many federal government sources. In 1964, Congress authorized direct financial assistance to any state or political subdivision or any public or private non-profit corporation to provide low-rent housing for farm laborers.[52] The Department of Housing and Urban Development, the Office of Economic Opportunity, the Economic Development Administration, the Small Business Administration, and the USDA Rural Community Development Service all administer programs for low-income rural housing.[53] The Senate Subcommittee on Migratory Labor observed that perhaps too many agencies are administering programs:

> There is an obvious overlapping of jurisdictions between the various agencies, and in given situations each department may apply different criteria. There are frequent delays; and the maze of red tape is frustrating to the applicant. With authority divided, there is always the danger that none of the departments will adequately fund a program.[54]

Despite the administrative problems, the fact remains that there are numerous federal programs, ranging from direct grants to low-cost loans, to aid in and encourage the construction and maintenance of adequate migrant housing.

(ii) FEDERAL MINIMUM HOUSING REGULATIONS

The United States Department of Labor, pursuant to the Wagner-Peyson Act,[55] has promulgated housing standards which must be met before orders for interstate recruitment of farm workers will be processed by the United States Employment Service. The regulations cover water supply, waste disposal, structural conditions, space, ventilation, lighting, screening, egress and heating standards, garbage disposal, insect and rodent control, fire protection, toilets, washing and laundry facilities, as well as other matters.[56]

(iii) WEAKNESSES OF THE FEDERAL MINIMUM HOUSING REGULATIONS

First, the standards only apply to camps used by growers who are utilizing the United States Employment Service to recruit interstate migrants. Second, for those growers who do use the Employment Service, refusal to assist is a very weak sanction. Third, enforcement is left up to local officials and unlimited compliance waivers are permitted.[57] It has been reported that, in at least one Washington county, compliance waivers were issued by state officials to every labor camp in the county for the harvest of 1968.[58]

(b) WASHINGTON STATE LABOR CAMP HEALTH REGULATIONS

(i) THE REGULATIONS

In October of 1968, the Washington State Department of Health issued new labor camp sanitation regulations and standards.[59] The regulations allow the grower to comply with the regulations on a five year, 20 percent annual implementation schedule. Running water and sinks with plumbing are required. A sleeping room for the parents, separate from a room for children over six years of age, is required in all family units in accordance with the five year plan. Food preparation facilities, including refrigeration, are required for dwelling units unless a central food service facility is provided. Flush toilets, at a ratio of one for every fifteen occupants, must be located with-in 200 feet of the dwelling units. Minimal structural standards must be observed in addition to ventilation, heating, lighting, refuse disposal, and rodent and insect control requirements. The regulations do not require what Americans normally consider "decent" housing; however, if properly enforced, the new sanitation regulation could result in significant inroads on the causes of migrant sickness and injuries.

(ii) ENFORCEMENT PROBLEMS

Labor camps are not to be operated in Washington without a permit from a local health officer;[60] presumable, the health officer will make an inspection. The State Department of Employment Security has made a preliminary decision not to refer farm workers to a grower until the employer has been issued a permit by the State Department of Health.[61]

The potential of the new labor camp regulations deserves cautious optimism. First, the regulations are subject to administrative review and the State Department of Health is currently re-examing the regulations which may result in lower standards.[62] Second, local inspectors who have lived in an area for a long period of time may be unwilling to "crackdown" on their neighbors. Indeed, they may share the community's unfavorable attitudes towards the migrant. An Indiana health official recently testified before an Indiana State Advisory Committee that of 329 labor camps in the State only 4 were certifiable by state standards; however, not one camp was closed and the Department of Labor continued to recruit inter-state migrant workers for all growers.[63]

THE EXCEPTED PEOPLE - THE MIGRANT WORKERS IN WASHINGTON STATE

by Dr. Tom J. Chambers, Jr.

FOOTNOTES

CHAPTER I An Introduction to Washington Migrants

1. United States Senate Committee on Labor and Public Welfare - Subcommittee on Migratory Labor, "The Migratory Labor Problem in the United States," 1968 Report to the 90th Cong.; lst., Sess., at 3.

2. Id., at 3

3. Id., at 3.

4. Id., at 3.

5. Id., at 2.

6. One report estimates more than one-half; Inter-agency Committee on Mexican-American Affairs, "The Mexican-American -- A New Focus on Opportunity," 1968, at 2. Another report estimated the number to be twenty-five percent in 1960; supra, note 1, at 4.

7. Inter-agency Committee on Mexican-American Affairs, supra, note 6, at 2.

8. U.S. Commission on Civil Rights, "The Mexican-American," A Paper Prepared for the U.S. Commission on Civil Rights, 1968, at 1.

9. Of Washington's Mexican American migrants, 26 percent had worked in Washington for 5 years or more while only 16 percent of the Anglo migrants had worked in Washington for 5 years or more; Consulting Services Corporation, Seattle and St. Paul, "Migrant Farm Workers in the State of Washington," Vol. II, "Economic and Social Characteristics," 1967 (A study based on extensive surveys of 18 Washington counties which are estimated to utilize 90 to 95 percent of Washington's migrant force) at 23.

10. Employment Security Department, State of Washington, "Annual Farm Labor Report, " 1968, at 11.

11. United States Senate Subcommittee on Migratory Labor, supra, note 1, at 6: Thousands of man-months of migratory labor in 1967.

California	338.5
Michigan	136.8
Florida	129.5
Texas	71.0
Washington	69.1
New York	62.1
New Jersey	57.6

12. Id., at 9.

13. Consulting Services Corporation reported that the peak was reached in September; Consulting Services Corporation, supra, note 9, at 1. The Department of Employment reports that the peak was reached in July; Employment Security Department, supra, note 10, at 11.

14. Consulting Services Corporation, supra, note 9, at 1.

15. Id., at 11.

16. Id., at 1.

17. Of the 18 counties representing 95 percent of the migrant employers surveyed by Consulting Services Corporation, these five counties accounted for 87 percent of the migrant employment in those 18 counties, supra, note 9, at 1.

18. Consulting Services Corporation, supra, note 9, at 27.

19. Id., at 9.

20. Senate Subcommittee on Migratory Labor, supra, note 1, at 4.

21. Id., at 2.

22. Hearing before the Subcommittee on Labor and Public Welfare, 82nd Cong., 2nd. Sess. Pt., 1952, at 431.

CHAPTER II Migrant Education

1. Consulting Services Corporation, Seattle & St. Paul, "Migrant Farm Workers in the State of Washington", Vol, II, "Economic and Social Characteristics", 1967, (A study based on extensive surveys of 18 Washington counties which are estimated to utilize 90 to 95 percent of Washington's migrant force) at 32.

2. Id., at 32.

3. Id., at 30.

4. Id., at 30

5. Consulting Services Corporation, Seattle & St. Paul, "Migrant Farm Workers in the State of Washington," Vol. III and "An Analysis of Migrant Agricultural Workers," 1967, at 28.

6. A Paper Prepared for the U.S. Commission on Civil Rights, "The Mexican-American," 1968, at 1.

7. Independent School District v. Salvatierra, 33 S.W. 2d 790 (Tex. Cir. App. 1930).

8. 64 F. Supp. 544 (S.C. S.S. Cal. 1946), Aff'd. 161 F.2d 774 (9th Cir. 1947).

9. 96 F. Supp. 1004 (D.C. Ariz. 1951).

10. 347 U.S. 475 (1954).

11. U.S. Department of Agriculture, Economic Research Service, Agricultural Economic Report No. 101, "Rural People in the American Economy," October 1966, at 55.

12. A Paper Prepared for the U.S. Commission on Civil Rights, supra, note 6, at 27.

13. Id., at 58.

14. Id., at 27.

15. Id., at 29.

16. Id., at 34.

17. Bilingual Education Act. 20 U.S.C. Sec. 880 b to b-6.

18. Formerly, Washington law required that "all common schools shall be taught in the English language." R.C.W. 28.05.010. However, H.B. 153, 41st Sess. (1969), was enacted and became Chapter 71 Washington Laws, 1969; it provides in part "that nothing in this section shall preclude the teaching of students in a language other than English when such instruction will aid the educational advancement of the student."

19. Roberto Valenzuale became the friend of Jonathon B. Chase, an assistant professor of law at the University of Colorado School of Law, who became a migrant to collect material on law and poverty. See Chase, J., "The Migrant Farm Worker in Colorado - The Life and The Law," 40 U. of Colo. L. Rev. 45, (1967), at 62.

20 Id., at 62.

21. United States Senate Committee on Labor and Public Welfare -- Subcommittee on Migratory Labor, "The Migratory Labor Problem in the United States," 1968 Report to the 90th Cong., 1st., Sess., at 9.

22. Consulting Services Corporation, supra, note 1, Vol. III "An Analysis of Migrant Agricultural Workers," at 16.

23. Consulting Services Corporation, supra, note 1, at 29.

24. Id., at 38.

25. Id., at 38.

26. Id., at 9.

27. Comment, "Migrant Farm Labor in Upstate N.Y.," Columbia Journal of Law and Social Problems, Vol. 4, 1968, p.2, at 43.

28. Id., at 43.

29. Consulting Services Corporation, supra, note 1, at 9.

30. Id., at 9.

31. Id., at 9.

32. Joint Committee on Education, State of Washington, "Education in Washington," The Fifth Biennial Report Submitted to the 41st Session - Washington State Legislature, 1968, at 41.

33. Senate Subcommittee on Migratory Labor, supra, note 21, at 31.

34. Id., at 31.

35. Id., at 34.

36. A Paper Prepared for the U.S. Commission on Civil Rights, supra, note 6, at 35.

37. Joint Committee on Education, supra, note 32, at 42.

38. Consulting Services Corporation, supra, note 1, at 32.

39. Id., at 21.

40. Id., at 21.

41. Id., at 29.

42. Washington State Employment Security Department, "Thirtieth Report to the Governor", December 31, 1967, at 24.

43. The Yakima Valley Council for Community Action (a local anti-poverty program) has estimated 8,000; the Washington State Mexican-American Federation has estimated 12,000.

44. A telephone interview with J. O. Click, Supervisor of Migrant Programs, Washington State Department of Public Instruction, May 19, 1969.

45. Id.

46. Id.

47. Joint Committee on Education, supra, note 32, at 40.

48. Id., at 42.

49. Id., at 45.

CHAPTER III Migrant Wages and Income

1. President's Committee on Migratory Labor, "Report to the President on Domestic Migratory Labor," Sept. 1956, at 24.

2. Economic Research Service, U.S. Department of Agriculture, "Rural People in the American Economy," Agricultural Economic Report No. 101, October, 1966, at 47.

3. Consulting Services Corporation, Seattle & St. Paul, "Migrant Farm Workers in the State of Washington," Vol. II, "Economic and Social Characteristics," 1967, at 13.

4. Consulting Services Corporation, supra note 3, Vol. III,"An Analysis of Migrant Agricultural Workers," at 8.

5. U.S. Senate Committee on Labor & Public Welfare -- Subcommittee on Migratory Labor, "The Migratory Labor Problem in the United States, Report to the 90th Cong., 1st. Sess., 1968, at 27:

AVERAGE HOURLY EARNINGS IN AGRICULTURE AND OTHER SELECTED INDUSTRIES

Contract construction	$4.09
Mining	3.20
All manufacturing	2.83
Lumber and wood products	2.38
Canning, cured and frozen foods	2.21
Apparel and related products	2.03
Laundries and dry cleaning	1.73
Agriculture farmworker (w/o room or board)	1.33

6. Id., at 27.

7. Consulting Services Corporation, supra, note 4, at 27.

8. Consulting Services Corporation, supra, note 3, at 14.

9. Id., at 15

10. Id., at 17.

11. Ehlert, Charles E., "Report of the Yakima Valley Project and Proposal for Yakima Valley Legal Services, Inc.," 1969, at 24.

12. Id., at 24.

13. R.C.W. 49.52.070.

14. R.C.W. 49.48.040.

15. Interview with Harry Popp, Sr., District Manager, Washington State Department of Labor and Industries, Yakima, July, 1968.

16. Senate Subcommittee on Migratory Labor, supra, note 5, at 26.

17. Id., at 26.

18. See Rivera v. State Division of Industrial Welfare, 265 A.C.A. 639, 71 A.C.R. 739, (Cal. Ct. of App. 1968); actions brought by three growers associations to prevent implementation of the minimum wage order.

19. R.C.W. 49.46.010(5) (a).

20. R.C.W. 49.12, et. seq.

21. 29 U.S.C. 213(a) (6).

22. 29 U.S.C. 206(a) (5).

23. Senate Subcommittee on Migratory Labor, supra, note 5, at 27.

24. 29 U.S.C. 213(6)(A)

25. Kovarsky, Irving, "Increased Labor Costs and The American Farmer -- A Need For Remedial Legislation," 12 St. Louis L. Journal 564, 1968, at 571.

26. Senate Subcommittee on Migratory Labor, supra, note 5, at 25.

27. Id., at 30.

28. 29 U.S.C. 213(6)(C).

29. 29 U.S.C. 203(M).

30. Chase, J., "The Migrant Farm Worker in Colorado -- The Life and the Law," 40 University of Colo. L. Rev. 45, 1967, at 61.

31. Id., at 70.

32. Senate Subcommittee on Migratory Labor, supra, note 5, at 29.

33. Id., at 30.

34. Id., at 29.

35. Comment, "Migrant Farm Labor in Upstate N.Y.," Columbia Journal of Law and Social Problems, Vol. 4, p. 2, 1968, at 16.

36. Consulting Services Corporation, supra, note 4, at 27.

37. Id., at 8.

38. Wall Street Journal; January 14, 1968, at 14 - col. 4.

39. Washington State Department of Employment Security, "Annual Farm Labor Report," 1968, at 12.

40. Id., at 13.

41. Consulting Services Corporation, supra, note 4, at 34.

42. Id., at 5.

43. See Chapter II.

44. Washington State Department of Employment Security, supra, note 39, at 12.

45. Columbia Journal of Law and Social Problems, supra, note 35. at 8.

46. Symposium: "The War on Poverty -- Legal Services and the Rural Poor," 15 Kansas Law Review, 1967 at 462.

47. Id., at 462.

48. Chase, J., supra, note 30, at 59.

49. 7 U.S.C. 2041.

50. 7 U.S.C.2043(b).

51. 7 U.S.C. 2044.

52. 7 U.S.C.2044.

53. 7 U.S.C. 2045.

54. Senate Subcommittee on Migratory Labor, supra, note 5, at 36.

55. Id., at 36.

56. Id., at 36.

57. Consulting Services Corporation, supra, note 3, at 21.

58. R.C.W. 19.30.030.

59. Id.

60. R.C.W. 19.30.040.

61. R.C.W. 19.30.120.

62. Letter from Harold J. Petrie, Director, Washington State Department of Labor and Industries, to William Mathias, Yakima Valley Project, July, 24, 1968.

63. Ehlert, Charles, E., supra, note 11, at 29.

64. 29 U.S.C. 29.

65. R.C.W. 50.12.180.

66. Washington State Department of Employment Security, supra, note 39, at 4.

67. Consulting Services Corporation, supra, note 3, at 24.

68. Id., at 60.

69. Washington State Department of Employment Security, supra, note 39, at 8.

70. Telephone interview with G. W. Rowland, Chief of Placement Services, Washington Employment Security Department, May 20, 1969.

71. Id.

72. 20 C.F.R. 609.9 (1968).

73. Washington State Department of Employment Security, supra, note 39, at 8.

74. Telephone interview with G. W. Rowland, supra, note 70.

75. Id.

76. The impact of imported farm workers on the wages and working conditions of domestic farm workers was adequately explored during the Bracero controversy. See generally, Kovarsky, I. "Congress and Migrant Labor," 9 St. Louis Law Journal 293, 1964. The Bracero program allowed the importation into the United States of Mexican nationals to work at the "prevailing" wage rate when there was an inadequate supply of domestic farm labor. See 7 U.S.C. Sec. 1461 - 1468. Congress allowed the Bracero program to lapse in 1966. 89th Cong., 1st Sess., 17, 1965. While the flow of Mexican nationals into the United States has been reduced from 233,000 in 1959 to only a few who enter illegally today, growers have not experienced the labor crisis they predicted.

77. Columbia Journal of Law and Social Problems, supra, note 35, at 3.

78. Id., at 41.

79. Kovarsky, Irving, "Congress and Migrant Labor," 9 St. Louis Law Journal 293, 1964, at 302.

80. Morris, "Agricultural Labor and National Labor Legislation ," 54 Calif. Law Review 1939, 1966, at 1987.

81. Consulting Services Corporation, supra, note 3, at 13.

82. 29 U.S.C. 152(3), 1935; for an excellent historical treatment of the National Labor Relations Act see Morris, supra, note 80.

83. Senate Subcommittee on Migratory Labor, supra, note 5, at 40.

84. Krystad v. Lau, 65 Wn.2d 827, 400 P.2d 72 (1965).

85. Peck, "Judicial Creativity and State Labor Law," 40 Washington Law Review 743. 1965, at 777.

86. Kovarsky, supra, note 79, at 322.

87. In 1967, the Washington State legislature lowered the residency qualification for voter registration from one year to 60 days -- for those who wish to vote for the president and vice president in national elections only.

88. States that have some form of literacy requirement as a prerequisite to the right to vote: Alaska, Alabama, Arizona, California, Connecticut, Delaware, Georgia, Hawaii, Louisiana, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, Oregon, South Carolina, Washington, and Wyoming,

89. Almost one-half of Washington's Mexican American migrants can not read English at all; Consulting Services Corporation, supra, note 4, at 27.

90. The Yakima Valley Council for Community Action (a local anti-poverty program) has estimated 8,000; the Washington State Mexican-American Federation has estimated 12,000.

91. R.C.W. 29.07.070.

92. Id.

93. Washington State Attorney General's Opinion, 1967, No. 21.

94. Id.

95. R.C.W. 29.07.010; R.C.W. 29.070.100.

96. Ehlert, Charles, supra, note 11, at 59.

97. Following a tremendous influx of Irish immigrants into the New England States during the mid-eighteen hundreds, Connecticut, inspired by the Know Nothing Party, obtained passage of the first literacy qualification in the United States in 1855. Other New England states quickly followed Connecticut's example and, when slaves were emancipated as a result of the Civil War, the South was equally quick to impose literacy qualifications. See Bromage, "Literacy and the Electorate," 24 Am. Pol. Soc. Rev. 946 (1930).

On the West Coast, literacy requirements were directed against Orientals who had been brought into the United States as cheap labor to work on the railroads and in the minefields. In California, Nativists successfully lobbied for passage of a literacy requirement in the Constitutional Convention of 1892. In Washington, anti-Chinese sentiment led to violent anti-Chinese riots in 1885-86; subsequently, bills were introduced into the Washington Territorial Legislature to prohibit the Chinese from owning land in Washington, from operating laundries and from being hired -- all designed to harass the Chinese population and encourage them to leave. See Comment, "Washington's Alien Land Law - Its Constitutionality," 39 Wash. Law Review 115, 1964, at 115-116.

During the Washington State Constitutional Convention, on July 11, 1889, Mr. Weisenburger unsuccessfully proposed the following voting provision: "Provided that no native of China, no idiot, insane person, ... shall ever exercise the privilege of an elector of this state." See Journal of the Washington State Constitutional Convention - 1889, Rosenow, ed., Book Publishing Co., Seattle, (1962) at 61. Washington's present literacy provision was enacted as the Second Amendment to the State's Constitution just seven years later in 1896. The constitutional change was proposed in House Bill no. 57 by Representative O. B. Nelson in 1895. While little background is known about House Bill No. 57, it was reported by the press that the same day that the bill passed the House, Senate Bill No. 247 was introduced which would have fixed "a penalty of $100 to $500 for any male person who wears a queue." See Seattle Post-Intelligencer, February 19, 1895, at 1.

98. Supra, note 88.

CHAPTER IV Migrant Health

1. Consulting Services Corporation, Seattle & St. Paul, "Migrant Farm Workers in the State of Washington," Vol. II, "Economic and Social Characteristics," 1967, at 45-46.

2. Id., at 44.

3. Id., at 46.

4. Id., at 44.

5. Id., at 42.

6. United States Senate Committee on Labor and PublicWelfare, Subcommittee on Migratory Labor, "Migrant Health Program - Current Operations and Additional Needs," 1967, at 15.

7. Consulting Services Corporation, supra, note 1, at 19.

8. United States Senate Committee on Labor and Public Welfare -- Subcommittee on Migratory Labor, "The Migratory Labor Problem in the United States," 1968 Report to the 90th Cong., 1st. Sess., 1968, at 14.

9. Telephone interview with William Franklin, Washington State Department of Health, Olympia, May 26, 1969.

10. Id.

11. Senate Subcommittee on Migratory Worker, supra, note 8, at 9.

12. Id. at 81.

13. Sellers, "Farm Accidents and Workman's Compensation," Farm Labor Developments, October, 1966, at 33.

14. Senate Subcommittee report on Migrant Health, supra, note 6, at 15.

15. Senate Subcommittee on Migratory Labor, supra, note 8, at 32.

16. Consulting Services Corporation, supra, note 1, at 43.

17. Senate Subcommittee on Migratory Labor, supra, note 8, at 53.

18. W.A.C. 296-17-020.

19. Id.

20. W.A.C. 296-17-030.

21. Consulting Services Corporation, supra, note 1, at 9.

22. Id., at 9.

23. Id., at 9.

24. Id., at 9.

25. Id., at 9.

26. Id., at 9.

27. Id., at 9.

28. Senate Subcommittee on Migratory Labor, supra, note 8, at 32.

29. Id., at 34.

30. W.A.C. 248-62-030; adopted October 29, 1968.

31. W.A.C. 248-62-030-031; adopted October, 1968.

32. F.L.S.A.; 29 U.S.C. 213; The following categories of farm activities, with certain exceptions, were declared to be too hazardous for persons under the age of 16: 1. Handling or applying certain pesticides and other dangerous chemicals; 2. Handling or using blasting agents; 3. Serving as flagman for aircraft; 4. Driver of vehicles on highways; 5. Operating tractors and other power equipment; 6. Operating certain self-unloading equipment; 7. Operating forklift, rotary tiller, dump or hoist wagon; 8. Operating combine, field baler, cornpicker, and other power harvesting equipment; 9. Feeding materials into blower or auger conveyor; 10. Operating power-driven post hole digger or driver; 11. Operating power saw; 12. Logging timber with a butt diameter of more than 6 inches; 13. Working from a ladder or scaffold at a height over 20 feet; 14. Working inside a gas-tight-type fruit, grain, forage or other enclosure; 15. Working in a yard, pen, or stall occupied by a dairy bull, boar, or stud horse.

33. R.C.W. 49.12, et seq.

34. R.C.W. 49.12.080.

35. A Federal District Court recently cast a shadow on the use of regulations designed to protect women by holding that such laws may violate the Civil Rights Act. In *Rosenfeld v. Southern Pacific Company*, 293 F. Supp. 1219, (D.C. Calif. 1969), Judge Ferguson held that denying plaintiff, a female employee, an agent-telegraph position constituted a discrimination solely because of her sex in violation of the Civil Rights Act of 1965, notwithstanding that the employer relied on an order of the California Industrial Welfare Commission relating to the number of pounds that a woman could be required to lift. The Court found that the regulation was not a "bona fide occupational qualification" within the meaning in the Civil Rights Act. 42 U.S.C. 2000e-2(e).

36. A Paper Prepared for the U.S. Commission on Civil Rights; "The Mexican-American," 1968, at 51.

37. Chase, J., "The Migrant Farm Worker in Colorado - The Life and the Law," 40 U. of Colorado Law Review 45, 1967, at 45.

38. Symposium, "The War on Poverty - Legal Services and the Rural Poor," 15 Kansas Law Review, 1967, at 464.

39. State of Washington Employment Security Department, "Annual Farm Labor Report," 1968, at 16.

40. Consulting Services Corporation, supra, note 1, at 47.

41. Id., at 55.

42. Id., at 55.

43. Ehlert, Charles, "Report of the Yakima Valley Project and Proposal for Yakima Valley Legal Services, Inc.," 1969, the following description of Ahtanum Labor Camp operated by the Yakima County Housing Authority at 37:

    Said cabins are constructed of unpainted and unfinished wooden boards and each contains one room with no interior partitions, approximately 15' 6"X 13' 8" in size, with a floor of rough unfinished wooden boards, some of which were full of splinters and were rotten, defective, full of holes and gaps and unable to support the weight of a three year old child. Each cabin contains a single electrical outlet, a light socket hanging from the ceiling. The electrical wiring is not substantial enough to carry sufficient current for normal household uses.

    There is no running water or plumbing in either of the cabins, and the nearest running water is obtained from an outdoor pipe, located within the garbage disposal area and surrounded by garbage cans. Community toilet, laundry and shower facilities are located in a separate building. Hot water is not available at all times and the showers are locked at night to prevent tenants from using them. Plumbing in the showers and toilets leak, and water and slime accumulate on the cement floor, creating conditions dangerous to health and safety. Laundry facilities are not provided in sufficient quantities and tenants are sometimes required to wait two or three days to wash clothing.

    Each of said cabins were furnished with a table and two chairs, two steel bed frames, springs, and burning "Pride" model stove for heating and cooking purposes. Each stove is located approximately 2 to 3 feet from the only door in the cabin, and rests directly on the wooden floor, about one foot out from the cabin wall. There is no protective nonflammable material on the floor or wall under or around the stove, and the flue is not properly vented, causing smoke to leak into the cabin.

    The grounds around said cabins and in the Ahtanum Farm Labor Camp contain extensive areas of weeds and grass a foot or more high, where infant children play, with scattered broken glass and refuse; the grounds are not adequately drained and collect standing puddles of mud and water and are infested with flies and mosquitoes during the summer months.

44. Consulting Services Corporation, supra, note 1, at 55.

45. Id., at 53.

46. Ehlert, Charles, supra, note 43, at 22.

47. Id., at 22.

48. Consulting Services Corporation, supra, note 1, at 17.

49. Id., at 18.

50. Id., at 47.

51. Id., at 48.

52. 42 U.S.C. 1484.

53. Senate Subcommittee on Migratory Labor, supra, note 8, at 19.

54. Id., at 19.

55. 29 U.S.C. 49, et seq.

56. 20 C.F.R. 602.9.

57. Id.

58. Ehlert, Charles, supra, note 43, at 31.

59. W.A.C. 248-60 et seq.; the issuance of the regulation met with great opposition and attempts were made to overturn the regulation by statute. The regulation is currently being re-examined by the State Department of Health which may result in lower standards. Franklin, William, supra, note 9.

60. W.A.C. 248-60-020.

61. State of Washington Employment Security Department, supra, note 39, at 17.

62. Franklin, William, supra, note 9.

63. A Paper prepared for the U.S. Commission on Civil Rights, supra, note 36, at 50.

REPORT OF THE MIGRANT LABOR TASK FORCE
of the State Human Rights Advisory Council
Herbert L. Amerson, Council Chairman
William Galbreath, Task Force Chairman

to the

Oregon Bureau of Labor
Norman O. Nilsen, Commissioner
John R. Gustafson, Asst. Commissioner

to the

MIGRANT LEGISLATIVE CONFERENCE
Willamette University
Putnam University Center
Salem, Oregon
Saturday, Dec. 12, 1970

Carlos A. Rivera
Conference Co-ordinator

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MIGRANT LABOR TASK FORCE

Herbert L. Amerson

Clemente Atkinson

Kevin Collins

Walter N. Fuchigami

William Galbreath

Donna Mashia

Carlos A. Rivera

Harry Ward

* Executive Committee

PROGRAM

8:00 a. m.	- 9:00 a. m.	Registration
9:00 a. m.	- 9:30 a. m.	Introductory Remarks :
		The Honorable Don Wilner, Moderator
		Welcome by Norman O. Nilsen, Commissioner Oregon Bureau of Labor
		Introduction of the guest speaker by Carlos A. Rivera, Conference Co-ordinator
9:30 a. m.	-10:00 a. m.	Remarks by Cong. Edward R. Roybal "The National Scene"
10:00 a. m.	-10:20 a. m.	Morning break
10:30 a. m.	-11:00 a. m.	Remarks by Philip Montez, U. S. Commissioner on Civil Rights, Los Angeles "Observations on the Regional Scene"
11:00 a. m.	-11:20 a. m.	History of Migrant Legislation in Oregon by Don Wilner
11:30 a. m.	-12:00 p. m.	History of the Mexican American Migrant by Frank Martinez
12:00 p. m.	- 1:30 p. m.	Lunch break
1:30 p. m.	- 3:00 p. m.	Education Workshop, Gilbert Anzaldua, Chairman. Health & Housing Workshop, David Aguilar, Chairman. Farm Labor & Civil Rights Workshop, Pablo Ciddi Chairman.
3:00 p. m.	-3:20 p. m.	Afternoon break
3:30 p. m.	-4:00 p. m.	Final workshop reports & recommendations

STATE HUMAN RIGHTS
ADVISORY COUNCIL

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Commissioner of Labor

RUSSELL ROGERS
Administrator,
Civil Rights Division

HERBERT L. AMERSON
Council Chairman

CLEMENTE ATKINSON
NORMAN LINDSTEDT
Vice-Chairmen

CARLOS A. RIVERA
Executive Secretary

December 9, 1970

The Honorable Norman O. Nilsen
Oregon Bureau of Labor
State Office Building
Portland, Oregon 97201

Dear Commissioner Nilsen:

It is my privilege to transmit to you the Report of the Migrant Labor Task Force.

Since the Task Force's first meeting on July 10, 1970, the members have been actively engaged in fulfilling their responsibilities under the law and in attempting to meet the charge which you set before them. They have been reviewing the social and economic conditions faced by the agricultural labor force, and they have now offered recommendations which they deem to be appropriate.

The Council Task Force Members appreciate the cooperation from the Bureau of Labor Staff which made every effort to provide the Members with information on labor legislation and conditions in Oregon so that the members would have a firm foundation for their recommendations.

I sincerely hope that the governmental and private agencies with whom they have cooperated, as well as the agricultural community, have benefited from their efforts.

Sincerely,

Herbert L. Amerson

Herbert L. Amerson
Chairman

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CARLOS A. RIVERA
Executive Secretary

December 9, 1970

Mr. Herbert L. Amerson, Chairman
State Human Rights Advisory Council
c/o Pacific Northwest Bell
1900 S.W. 4th
Portland, Oregon 97201

Dear Mr. Amerson:

The Migrant Labor Task Force of the State Human Rights Advisory Council has asked me to transmit this Report to you for your consideration.

The Task Force meetings and Hearings have proved a forum for Advisory Council members and others to exchange ideas on the problems of migrant farm labor in the state of Oregon. The multifaceted nature of these problems and the seemingly conflicting views held by different citizen groups underscores the need for such forums to assist in arriving at acceptable solutions.

A number of recommendations have been considered by the Task Force; they are detailed in this report. While they are all important, I would like to draw special attention to four of the recommendations of the Task Force:

(1) Extension of the right of collective bargaining to agricultural labor;
(2) Extension of the minimum wage to all agricultural workers;
(3) Extension of unemployment compensation coverage to agricultural labor;
(4) Establishment of Government financed central farm camp housing.

The assistance of the Oregon Bureau of Labor Staff in providing a climate in which the Task Force can be most effective is greatly appreciated. No request has gone unheeded. Particularly important to the functioning of the Task Force has been the assistance from the Wage and Hour Division of the Bureau.

I am very grateful to the individual Task Force Members not only for their time and energies, but also for the spirit of cooperation and mutual respect which has pervaded our deliberations.

Sincerely,

Carlos A. Rivera

Carlos A. Rivera
Executive Secretary

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United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

December 1, 1970

Mr. Carlos Rivera, Executive Director
Oregon State Human Relations Advisory Council
403 State Office Building
Portland, Oregon

Dear Mr. Rivera:

Thank you very much for your kind invitation to attend your Migrant Conference. I deeply regret that the press of Senate business and schedule conflicts and complications make it impossible for me to come out to Oregon at this time.

Hearings before the Migratory Labor Subcommittee have well documented the economic and political powerlessness that is the plight of the migrant and seasonal farmworker, and the myriad of problems has been documented throughout the country a thousand times over. Now is the time for constructive action at the federal, state and local level. In this regard, the State of Oregon is to be commended for its efforts to involve all interested parties as participants in the development of a positive program to solve the problems of wages, housing, bi-lingual education, health, and coverage under various social and worker benefit programs.

I wish you success in your endeavors, for the guarantee of justice and human dignity for the farmworker will reflect favorably on the entire agriculture industry in Oregon and the Nation.

With warm regards.

Sincerely,

Walter F. Mondale

Walter F. Mondale
Chairman
Subcommittee on Migratory Labor

NOTE:

The testimony on the following pages has been submitted to the Conference by the Honorable Joe J. Bernal, of the 26th Senatorial District of Texas, including the city of San Antonio, Texas. He regrets the fact that he could not be with us today but asked that his statement be included as part of the record of the proceedings. Senator Bernal is one of the outstanding leaders of the Chicano Movement in the United States today.

Speech by: State Senator Joe J. Bernal
District 26, San Antonio, Texas
TO: Migrant-Labor Conference
Portland, Oregon

Saludes a todos Ustedes conferencistas que están asistiendo a esta junta de migrantes. Los felicito por su interés indicado por su presencia aqui.

Tambien deseó expresar grácias al Oregon Bureau of Labor tanto como a Carlos Rivera por el interés que este departamento, así como el Sr. Rivera han desenpeñado en promover esta conferéncia. Pero, porque hay entre Ustedes algunos desafortunados que no hablan o entienden la lengua de los ángeles y de los santos - le sigo pues, en ingles:

A conference is as good as the results it brings. Nothing, of course, will be accomplished if you have come here just to have a good time. Along with good times, don't forget we have a "causa" that should mobilize all of us to speak against the many bad things wrong with the treatment agricultural workers are getting. I would like to enumerate some recent adverse occurences, as well as mention those bad situations that have been around for a long time. I'll mention the following, which I don't like now, yesterday, or ever, and which we need to correct if we are to have a good life for ourselves and our children to follow:

1. I don't like Cesar Chavez being put in jail. He is protecting the best interests of our people - in attempting to do what is recognized as very American - to bargain collectively. We need to support him... thereby supporting ourselves.

2. I don't like what the Nixon Administration has done to our Chicanos. The resignations of Hilary Sandoval, Henry Quevedo, and Martín Castillo are indicative of the Chicano's position (which seems to be opposed by the Administration) that equal opportunity and social justice cannot and should not be negotiated. We should not be satisfied with just a handful of Chicanos being named to positions of trust. Our satisfaction should come with government-supported programs which would meet the needs of our people.

3. Our food programs are in a mess. A survey by University of Texas Medical School at Galveston found that in Texas - sú casa, y mí casa, they found a return of "endemic goiter," a disease that was virtually eradicated thirty years ago. They also found an "alarming prevalence" of diseases commonly associated with undernourishment. We need a nationally supported Food Stamp Program, so that our children won't suffer from brain injury caused by malnourishment.

4. I don't like to see 147,000 farm migrants leave Texas each year because "Chicanos like to wander." We should correct the situation by making sure, through national law, that aliens crossing the border into the United States do not affect the wages and working conditions of Chicanos similarly employed. Good neighborliness with Mexico should begin with dissolving the competition growers and government cause among the very low wage earner from Mexico with Chicano migrants from the United States. (Forty-two percent of Mexican commuters are in farm labor.)

But we are not going to do or accomplish much if we take the attitude taken by Glen E. Garrett, Executive Director of the so-called

Texas Good Neighbor Commission, which has the charge: "to survey conditions and study problems related to migrant labor in Texas." In his annual report of 1969, he states the following concerning the complex commuter problem: "This is a difficult question to answer since we do not really know who or what to blame and since we are so poorly informed on the socio-economic implication of the situation." The growers and mamby-pamby politicians, who are afraid of the Texas Farm Bureau, as well as the United States Farm Bureau, are the reason. They have wanted, demanded, and maintained a cheap labor pool which is beneficial to them and their special interests.

5. Dr. José Cardenas, Superintendent of the Edgewood Independent School District in San Antonio, two years ago in his report to the United States Commission on Civil Rights, estimated the school drop-out rate of Texas migrants close to ninety percent. He also stated that "school administrators in the ninety school districts in Texas with the largest migrant enrollment estimate that one-fifth of migrant children NEVER enroll in any school..." I don't think the situation has changed measurably since that report in 1968. And it won't change, if legislation presently in Congress, does not go beyond its hearing stages.

6. We all recognize that the migrant farm worker is the lowest paid worker in the United States. The partial reason for this is that migrant work is seasonal or part-time. The other reason is more real and more complex. I think migrants have been looked at as non-people, like the old plantation "nigger" who wasn't quite people. This is one of the reasons why the farm worker nationally makes $1.59 per hour compared to the factory worker at $3.28 per hour.

There are so many areas of concern when one thinks of migrants that it is difficult to provide an easy out.

To each of you as migrants, I would say, voice your concerns politically. Register to vote in Edingburg, in San Antonio, in Crystal City, in Cotulla, etc. And when you are home, vote for your friends and against your enemies. The enemy includes los malinches. Sometime they are the worst because they are wolves in MEXICANO clothing. They are raza with a little "r." They don't speak about our problems. And they don't go to our political rallies. They will tell you they are Americans and not Chicanos because the word Chicano offends them. Their last names are like yours and mine. Vote against them like you would vote against a Mexican-hating gringo - and you know him well.

The power of your vote means that you can have a real voice city, county, state, and federal government. The people in these offices can provide meaningful governmental programs which will give you a just minimum wage, unemployment compensation, workmen's compensation, and a real equal opportunity for employment and for your children, equality of opportunity in the schools. Or they can sit on their brains and do nothing because you aren't going to vote them out of office.

The other suggestion I have is for you to unite whenever and wherever you can. The thought of being a united people is beautiful. And the first step to bring our people into a united effort, is to join together, and bargain collectively. Join up with the United Farm Workers Organizing Committee. United we stand and divided we fall - is not only a good saying for the United Fifty States, but for our RAZA. One of the reasons why we are in the situation we have been in, is that we have been divided. The UFWOC would provide you that essential unity.

While you vote and try to change adult life that way - the other half would be concern for our children. For them, I would suggest we try to keep them in school as long as possible. We should sacrifice all we need to sacrifice to better their lives and their opportunities. I don't think there are too many of us who can't look at our parents who, as mine, went only to the fourth grade, - nuestros padrecitos y madrecitas que por el sacrifício del sudor, lagrimas, y muchos coscorones nos dieron más qué ló que ellos habían tenido.

A la misma vez no hay que olvidar - tenemos una historia, una idioma, una música, en total, una cultura que debemos preservar. Aunque todos somos Amiercanos - y aunque tenemos orgullo por serlo - sabemos qué somos de descendencia Mexicana. Qué somos Chicanos - dedicados a lo mejor de dos mundos, y que nadie no los va a quitar.

Hojalá y tengan gran éxito en ésta conferencia.

INTRODUCTION

Several times in past years commissions, task forces and interagency committees have been formed dealing with specific problems in the migrant farm labor area and studies have been conducted to solve these problems. The problems have not been solved; the time for studies is over; the time for action is now.

Oregon has no proud record of leadership in the area of agricultural farm labor. Since 1959 when a package of five Bills were passed, a total of 18 Bills have been introduced in the legislature having to do with migrant labor problems. Of these 18 only 7 have been passed; 4 of these 7 worked against the best interests of migrants, dealing with unemployment compensation, collective bargaining, anti-picketing and labor relations. The three Bills that did pass do not adequately provide any remedy or any marked improvement of migrant worker conditions in the state of Oregon.

The Migrant Labor Task Force recognizes that agriculture is vital to the well-being of the whole state of Oregon. We are also aware that the protection and encouragement of the agricultural industry, where necessary, is an obligation of the state. It is that form of protection that is in question. The discriminatory exclusion of the agricultural worker from coverage of legislation that would give him the power to improve his economic and social condition is in effect assisting the farmer in keeping his costs down. In actuality the Oregon legislature has been subsidizing the individual farmer at the cost of the farmworker.

Legislation must focus on much more basic humanitarian interests in insuring the farmworker a decent life as measured by the currently accepted minimum standards of our society. The well-being of all Oregonians, including farmworkers, should be the primary goal of our Legislature. Unfortunately, this has not been the case. Those employed in agricultural labor are entitled to the same rights and privileges as other workers and the laws of the state of Oregon should not discriminate against such individuals.

At this time and place in history, Mexican Americans constitute the largest minority group in the state of Oregon numbering well over 35,000. The majority of these Oregonians were at one time if not now employed in seasonal agricultural work. During the peak of harvest time, an approximate 40 to 50,000 migrant farmworkers come into our state. The majority of these farmworkers are also Mexican American. They bring with them a great culture, a great heritage and a great language. It is to our shame that to date, we continue to reject their valuable contribution not only towards building a better Oregon, but a greater country as well.

Oregon is at a crossroads. The people of Oregon must make a decision; and that decision is whether or not to support the forces of change for a better Oregon or to support the status quo. The people of Oregon as reflected by their Legislators must make that decision. In the final analysis, they must decide whether or not every Oregonian regardless of his national origin or native language is entitled as is any other citizen to the American promise of a full and equal opportunity to share in the good life that can be offered by a dynamic, prosperous, democratic society.

Composition, Role and Responsibilities

The Migrant Labor Task Force was created by the State Human Rights Advisory Council on July 10, 1970, by the Chairman. It consists of eight members. The Chairman provided that the Task Force shall:

a. cooperate with all governmental agencies and committees concerned with agricultural labor.

b. cooperate with private voluntary or community groups having as their prime concern problems involving agricultural labor.

c. seek effective methods for the improvement of living, working and related problems of agricultural workers.

d. recommend policies to be adopted to achieve these purposes.

The Task Force held a series of formal meetings since the date of their inception of which the majority were in the mid-Willamette valley and one in Eastern Oregon. Several of the meetings were scheduled to personally view farm labor housing and educational facilities designed specifically to benefit migrant workers.

Ontario - A tour of Malheur County Farm Labor Camps and a Public Hearing was held at which time testimony was presented by the following organizations:

Oregon State Employment Service
Malheur County Farm Bureau
Onion Growers Association
Wheat Growers Association
Amalgamated Sugar Company
National Farmers Organization
Oregon Potato Commission
Sugar Beet Growers Association
Treasure Valley Migrant Program
American G.I. Forum

Woodburn - A public meeting was held with the staff of the Valley Migrant League to educate the Task Force members on the workings of this OEO funded migrant project. This included a tour of migrant labor camps in Marion and Yamhill Counties.

Salem - A public Hearing was held at which time testimony was taken from representatives from the following groups:

Oregon Farm Bureau Federation
Valley Migrant League
Yamhill County Human Relations Council
Medford Pear Growers Association
Hood River Growers
Diamond Canners

Portland - A meeting was held with various state agencies charged with the responsibility of enforcing farm labor camp statutes. Among those agencies in attendance were:

The Oregon Bureau of Labor
The Oregon Board of Health
The Oregon Employment Service

In addition to this, several meetings were held with the Wage and Hour Division of the Oregon Bureau of Labor as well as a representative of the U. S. Department of Labor to report on enforcement of state and federal statutes pertaining to migrant workers in the state of Oregon.

The following members of the Oregon Bureau of Labor staff have participated in the proceedings of the Migrant Labor Task Force at various times:

John R. Gustafson, Assistant Commissioner of Labor

Edward J. Hawes, Administrator, Wage and Hour Division

A. W. (Bud) Gardner, Asst. Administrator, Wage & Hour Division.

H. J. Belton Hamilton, Assistant Attorney General and
Russ Rogers, Administrator, Civil Rights Division

In order to expand their own base of information and to promote better understanding of the conditions faced by agricultural workers, the Task Force encouraged the active involvement of public officials and representatives of various private agencies in the affairs of the Task Force. During this time, the following individuals were consulted by the Task Force on the means of program improvement:

Gilbert Anzaldua
Oregon Board of Education

Boren Chertkov
U. S. Senate Migratory
Labor Subcommittee

Pablo Ciddio
Governor's Advisory Committee
on Chicano Affairs

Epifanio Collazo
Alianza

Rev. Ted Crouch
Council of Churches

Jose de la Isla
American Association of
Junior Colleges

Kim Frankel
Alianza

Carolyn Jackson
Demoforum

Vera Katz
Kennedy Action Corps

Jeff Kilmer
Alianza

John Little
Valley Migrant League

Frank Martinez
Valley Migrant League

Molly Miller
Alianza

John Perry
Alianza

Margot Perry
Kennedy Action Corps

Jose Rios
Centro Chicano Cultural

Hon. Don Wilner
State Senator

Recommendations

During the course of its proceedings, the Task Force has adopted recommendations with regard to various programs, activities and proposals having an impact upon the migrant worker and the agricultural community. Included are recommendations pertaining to the coordination of government services; labor standards and civil rights; migrant housing; health, education and welfare services and equity of services.

Coordination of Government Services

1. We recommend that the Labor Commissioner urge the Governor and the Legislature to re-establish an Inter-Agency Committee on Migratory Labor consisting of representatives of all agencies dealing with migrant or ex-migrant workers.
2. We recommend to the Labor Commissioner that he urge the Governor to assign a member of his principal executive staff the specific responsibility for staffing and coordinating an Inter-Agency Committee.
3. We recommend that the Labor Commissioner urge the Governor to direct the Head of each appropriate department or agency dealing with migrant workers to formally designate one individual who would be particularly responsible for departmental activity concerning migrants and ex-migrants. Such an individual should himself be Spanish-speaking and should be qualified as a result of national origin or personal experience to deal directly with migrant workers.

Labor Standards and Civil Rights

4. We recommend the extension of the state minimum wage statute to cover all agricultural workers paid on a piece rate basis. Repeal of this exclusionary section of the statute will only mean that farmers will have to pay their agricultural labor, 18 years of age or over,

at least the applicable minimum wage whether they work on a piece rate or hourly rate.

5. We recommend that the activities of the Wage and Hour Division of the Oregon Bureau of Labor be endorsed and that additional budgetary support be given this Division for enforcement purposes.
6. We recommend the repeal of the anti-picketing provision of ORS 662.815 which prohibits anyone not a "regular employe" from picketing "any farm, ranch or orchard where perishable crops are being harvested." The Attorney General of the state of Oregon stated on November 17, 1970, in a 23 page Opinion (No. 6780) that the constitutionality of this statute is "uncertain."
7. We recommend the extension of the right of collective bargaining to agricultural labor.
8. We recommend the extension of unemployment compensation coverage to agricultural labor.
9. We recommend the adoption of more stringent child labor laws for those employed in agriculture.
10. We recommend that the agricultural industry provide handwashing and drinking water facilities for farmworkers in the fields.
11. We recommend that a surety bond be required of each Farm Labor Contractor licensed by the state of Oregon.
12. We recommend the licensing of crew leaders by the state of Oregon.

Migrant Housing

13. We recommend that the sum of at least $150,000 be requested in the Executive Budget for migrant housing for the planning and implementa-

tion of a statewide program for utilizing available federal facilities. The state should assume control of these facilities, upgrade their quality and convert them for use as agricultural labor housing and rest camps. An example of such a facility would be Camp Adair in Benton County.

14. We recommend the establishment of federal/state financed central farm labor camp housing.
15. We recommend the adoption of the Federal minimum standards as set by the U. S. Department of Labor by the Oregon Board of Health for Oregon farm labor camps.
16. We recommend the enforcement of existing farm labor camp housing and sanitation codes be transferred from the county sanitarian to the Migrant Health Project sponsored by the Oregon Board of Health.
17. We recommend that the staff of the Wage and Hour Division of the Oregon Bureau of Labor be augmented in the next biennium by the addition of at least six additional seasonal camp inspectors. They should all be Spanish-speaking.

Health, Education and Welfare Services

18. We recommend that the continued operation of the Federal Migrant Health Act Program in Oregon be endorsed.
19. We recommend that special programs of bilingual instruction be undertaken by school systems wherever migrants settle and that ORS 336.078 which limits classroom instruction to English be revised to allow bilingual education. This will make certain that migrant school children are given equal opportunity to secure a quality education.

20. We recommend support for the special migrant education program under Title I of the Elementary and Secondary Education Act administered by the Oregon Board of Education.

21. We recommend changes in the U. S. Department of Agriculture's Food Stamp Program such as: (a) income computation on an annual basis; (b) combination food-stamp - commodity programs; (c) simplified certification procedures.

Equity of Services

22. We recommend that all materials designed for or concerning migrants be printed in both English and Spanish.

23. We recommend that the Civil Rights Division of the Oregon Bureau of Labor expand its compliance programs to make certain that Mexican Americans are given equal opportunity in all areas of endeavor; and that the State Human Rights Advisory Council implement and expand its affirmative action programs to assure the spirit as well as the letter of the law.

24. We recommend that the Labor Commissioner urge the Department of Employment which is also charged by the legislature with an area of responsibility for migrant workers to utilize their Rural Manpower Service Division to develop and implement a program of information to growers on the rights as well as the responsibilities of seasonal workers; through such a program, migrant workers could be more fully informed of their rights and the services available to them under the law. Furthermore, we recommend that the Labor Commissioner transmit a copy of this Report to the Department of Employment for its consideration of the recommendation.

R. P. (BOB) SANCHEZ
ATTORNEY AND COUNSELLOR AT LAW
223 SO. 17TH (GUERRA) STREET
MCALLEN, TEXAS 78501

TELEPHONE
Code 512
686-1861

July 22, 1970

Senator Walter Mondale
United States Senate
Subcommittee on Migratory Labor
Washington, D. C. 20510

Dear Senator Mondale:

As you know, the chairman of the Senate Labor and Public Welfare Committee, our distinguished Senator Yarborough, was defeated in the recent Texas elections by Lloyd M. Bentsen, Jr. I note in the Texas press today that Mr. Bentsen has offered his support and endorsement to your subcommittee hearings.

As a Mexican-American, a Valley resident and a Democrat, I am deeply grateful for the energy and courage which you and your Subcommittee have shown in focusing national attention on the plight of the Mexican-American migrant. And as you further know, the greatest single concentration of migrant farm workers in the nation is in South Texas.

But before you burden yourself with Mr. Bentsen, let me point out a few things about this man who now professes such sympathy for our cause:

1. Mr. Bentsen's business interests include banks, hotels and tremendous land holdings in South Texas. Some of his holdings have been exploitative and discriminatory, profiting from the near-enslavement of Mexican-American workers in the Valley.

2. While in Congress during the fifties, Mr. Bentsen opposed legislation which would have stepped up law enforcement efforts to curtail illegal "wetback" immigration. Mr. Bentsen supported extension of the infamous bracero labor program, and bracero workers were employed on the Bentsen properties.

3. Mr. Bentsen, as a Congressman, fought efforts to establish wage minimums for farm workers.

4. He opposed legislation which would have given the U. S. Border Patrol the right to pursue and arrest illegal immigrants who were hiding and working on Valley ranches (and who were thus competing with and lowering the employment opportunities for our own migrants).

5. He opposed legislation to end discrimination in federal hiring, which would have meant a great deal to Mexican-Americans.

In summary, may I respectfully suggest that Mr. Bentsen's record speaks eloquently of his concern for migrants and Mexican-Americans in general. He has consistently preyed on our political and economic weakness and exploited our people cynically and apparently without regret.

The Bentsen stance is not unique; it is characteristic of a monolithic power structure which exists in this State. Governor Preston Smith's callous disregard of state police brutality against Mexican-Americans, the frequent use of Texas Rangers to intimidate our people and the blatant discrimination against Mexican-Americans by the state government are everyday products of a political machine which has victimized the poor in this State for decades. Until that structure is altered, I have little hope for meaningful improvement in the lives of farm workers or other Mexican-Americans.

Really, I would be grateful if this letter could be incorporated with your other testimony and made a part of your Subcommittee hearings.

Sincerely,

R. P. (Bob) Sanchez

RPS/an

SPECIAL DELIVERY

Pieces
and
Scraps

Farm Labor Housing in the United States

Pieces and Scraps

Farm Labor Housing in the United States

by LEE P. RENO

September 1970

RURAL HOUSING ALLIANCE
Suite 500 Dupont Circle Building
1346 Connecticut Avenue, N.W.
Washington, D.C. 20036
202/659-1680

THE RURAL HOUSING ALLIANCE, formed in 1966 as the INTERNATIONAL SELF-HELP HOUSING ASSOCIATION, is a non-profit,educational organization, organized to provide technical and advisory services to individuals and groups seeking to provide homes for low-income families in rural areas; and to provide a central information point where experience and data can be collected and evaluated and made available to rural low-income housing groups and sponsors. RHA is a membership organization, supported by individual contributions, grants from foundations and grants from the Office of Economic Opportunity. The conclusions and recommendations in this report are those of the author and RHA and do not necessarily reflect the views of the Office of Economic Opportunity or any other agency of the United States Government.

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Rural Housing Alliance
1346 Connecticut Avenue, N.W.
Washington, D.C. 20036

Library of Congress Catalog Card Number: 79-141814

There is a crime here that goes beyond denunciation. There is a sorrow here that weeping cannot symbolize. There is a failure here that topples all our success.

John Steinbeck
The Grapes of Wrath

ACKNOWLEDGEMENTS

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CONTENTS

LIST OF TABLES

INTRODUCTION 1

Part

I. THE NEED 5

The Home Base States 5
  - Florida
  - Texas
  - California

The Stream States 25

II. AN EFFECTIVE PROGRAM, NOW HISTORY 35

The Farm Security Administration 35

III. MINOR PROGRAMS AFFECTING FARM LABOR HOUSING 49

Migrant Housing Codes and Code Enforcement 49

The Office of Economic Opportunity 54
  - Self-Help Housing
  - Housing Services
  - Temporary Housing -- California

IV. THE FARMERS HOME ADMINISTRATION FARM LABOR HOUSING LOANS AND GRANTS 67

The Agency 67

The Legislation 69
  - The Loan Program
  - Expanding the Program

The Regulations 77
  - Eligibility for Loans and Grants
  - Loan and Grant Purposes
  - Amount of Loans and Grants
  - Some Limitations on Loans and Grants
  - Financing Rates and Terms

- Technical and Other Services
- Construction and Development Policies
- Application and Process for Loans and Grants

Results of the Program 88
- Funds
- Where the Funds Have Gone - by State
- Who in the States Get the Funds
- Effect of Grants on the Program
- Restrictions on the Grant Program
- New Restrictions on Eligibility for Grants

Some Examples of Projects 107
- Background and Need - Stanislaus County, California
- Farm Labor Housing Project -- Stanislaus County, California
- Background and Need - Othello and Royal City, Washington
- Farm Labor Housing Project - Othello, Washington
- Farm Labor Housing Project - Royal City, Washington
- The Cost of Projects Built With Grant Funds
- The Cost of Operating and Maintaining the Projects
- The Effect of an Inadequate Subsidy

Other Problem Areas 126

V. SOME CONCLUSIONS, SUGGESTIONS AND RECOMMENDATIONS 131

What Ultimately Must be Done 132
- The Need for Direct Federal Action
- The Need for a New Agency

The Need for Immediate Action 137
- FmHA Farm Labor Housing Amendments
- Creating a Strict National Standard for Migrant Labor Camps
- Broaden and Balance the Office of Economic Opportunity Migrant Division's Approach in the Field of Housing for Migrant and Seasonal Farm Workers

A Final Note 141

APPENDIX A - Federal Regulations for Housing for Agricultural Workers

APPENDIX B - California Temporary Housing Statistics

LIST OF TABLES

Table		Page
I	Housing Conditions in Rural Areas - Florida Economic Sub Region 39.	8
II	Housing Conditions in Rural Areas - Texas Economic Sub Region 99.	16
III	Housing Conditions in Rural Areas - Texas Economic Sub Region 98.	17
IV	Type of Permanent Housing by Stability.	22
V	Number of Rooms by Size of Family Unit.	24
VI	States With More Than 10,000 Migrants and Dependants in 1967-1968 (Excluding Calif., Tex., and Fla.).	28
VII	Defects in Labor Camps in Michigan and Four Other States.	30-31
VIII	Number and Location of Farm Security Administration Camps in 1942.	38
IX	Obligation of Funds for Farm Security Administration's Migratory Labor Camps.	42
X	Number and Amount of Self-Help Housing Loans Obligated by State Cumulative From Inception Through June 30, 1970.	56
XI	Appropriations Made by Congress for Farm Labor Housing Insured Loans, Funds Actually Obligated by FmHA, by Fiscal Year 1962-1969.	89
XII	Appropriations Approved by Congress for Farm Labor Housing Grants and Funds Actually Obligated by FmHA by Fiscal Year 1966-1970.	90

Table		Page
XIII	Number of Loan and Grant Applications Received, Rejected and On Hand, From Inception of the FmHA Labor Housing Programs to March 31, 1970.	92
XIV	Labor Housing Loans and Grants Approved Cumulative as of March 31, 1970.	94
XV	Dollars Loaned and Granted Through FmHA Labor Housing Program Per Migrant and Seasonal Farm Worker by State From Inception to March 31, 1970.	96
XVI	Number and Amount of Grants Obligated by Year, Under FmHA Farm Labor Housing Program.	100
XVII	Distribution of Costs of FmHA Labor Housing Projects in Royal City, Washington, and Granada, Colorado.	120
XVIII	Comparison of Average Income and Expenditures of Selected FmHA Farm Labor Housing Projects (Dollars Per Unit Per Month).	122-123
XIX	Total Per Unit Cost, Size of Grant, and Amount of Rent Per Unit Per Month Used to Retire Debt in Selected FmHA Farm Labor Housing Projects.	125

INTRODUCTION

Two-thirds of the Nation's bad housing is in rural areas and small towns and most of the Nation's 2.6 million farm workers live in part of it. Farm workers are among the most poorly paid working groups in the country, averaging $1,435 per worker for both farm and non-farm work in 1969.[1] Low annual earnings are a result not only of low hourly wages, but also of the seasonal nature of the work. They are afforded fewer benefits than most other groups, i.e., most are not covered by unemployment insurance, workmen's compensation or labor relations laws; are only partially covered by the Social Security Act and Minimum wage laws; and many are effectively excluded from categorical assistance programs, general welfare, and manpower training programs. They are employed in the third most hazardous occupation in the United States.

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[1] U. S. Department of Agriculture, Economic Research Service, "The Hired Farm Working Force of 1969, A Statistical Report," Agricultural Economic Report No. 180, April, 1970, Table 7. "Casual Workers" (less than 25 days of farm work) accounted for 43 percent of the workers and had an average income in 1969 of $880 of which $81 was from farm wage work. "Seasonal Workers" (25 to 149 days of farm work) accounted for 28 percent of the workers and had an average income in 1969 of $1,238.28, of which $575 came from farm wage work. "Regular Workers" (150 to 249 days of farm work) accounted for 10 percent of the workers and had an average income in 1969 of $2,827 of which $2,378 came from farm wage work. "Year-round Workers" (more than 250 days of farm work) averaged $3,594, of which $3,485 came from farm wage work.

About ten percent of the farm workers are classified as "migratory." These workers travel outside the county where they usually live, not returning home each evening. Many travel great distances seeking employment, often existing under the worse circumstances immaginable. Their reward is small. In 1969 their income averaged $1,732, of which $891 came from farm wage work.[2] Dr. Robert Coles of Harvard University, vividly describes their condition:[3]

> No group of people I have worked with--in the South, in Appalachia, and in our northern ghettoes--tries harder to work, indeed travels all over the country working, working from sunrise to sunset, seven days a week when the crops are there to be harvested.
>
> There is something ironic and special about that, too: in exchange for the desire to work, for the terribly hard work of bending and stooping to harvest our food, these workers are kept apart like no others, denied rights and privileges no others are denied, denied even halfway decent wages, asked to live homeless and vagabond lives, lives of virtual peonage,...
>
> I do not believe the human body and the human mind were made to sustain the stresses migrants must face--worse stresses, I must say, than any I have seen anywhere in the world, and utterly unrecognized by most of us. Nor do I believe that a rich and powerful nation like ours, in the second half of the 20th century, ought tolerate what was an outrage even centuries ago: child labor; forms of peonage; large-scale migrancy that resembles the social and political statelessness that European and Asian

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[2] Ibid.

[3] Testimony of Dr. Robert Coles, in Hearings before the Senate Subcommittee on Migratory Labor, 91st Congress, 1st Session, "The Migrant Subculture," July 28, 1969, Part 2, p. 335.

> refugees have known; and, finally, be it emphasized, for people who seek work and do the hardest possible work, a kind of primitive living that has to be seen, I fear, to be understood for what it does to men, women and most especially, children.

The study that follows looks at the condition of housing in which farm workers live, with special emphasis on migrant housing. The brief descriptions document that a tremendous need for improved facilities exists. The study presents in some detail past and present programs designed to meet that tremendous need. It is a study of the pieces and scraps used by farm workers for shelter. It is a study of the pieces and scraps, called programs designed by the government to improve that shelter.

Above all, the study should be read in context--the resources devoted by the government to assist and protect a terribly impoverished group of workers is an indicting reflection of our system and institutions: a system that has pumped billions of dollars for direct subsidies and research into the agricultural industry which has gone far in eliminating family farms; a system which has caused commercial farms to flourish, blessed with the existence of a cheap, indentured and powerless labor supply.

PART I

The Need

In discussing the need for more and better housing for our farmworker population in this paper no precise statistical showing is attempted. A showing of that sort would require time and resources far beyond those available. Although that type of study is needed, i.e., one which would indicate precisely how many units are needed, where they should be located, their size and cost, it is recommended that it not be undertaken until there is a reasonable commitment to actually solve the problem. In short, there has been study enough. The need is undeniable. Therefore, this section will summarize studies done in the past and present views of individuals and groups who have seen and experienced farmworker housing conditions first hand.

THE HOME BASE STATES

A home base state is a state which the migrant farm worker claims as his domicile. He may live there only a few months out of the year, but when he is working elsewhere his ties are there. He may own a house, although this is rare. More likely he is a renter. Those possessions he has gathered which are too cumbersome to take on the trek away to the fields are left at the home base. If he has children, most of their schooling is received there, although they will probably be enrolled in schools in other states if school is in session when they are there. The home base is where his family ties are. He probably grew up there. When he dies he will expect to be buried there;

that is, if he dies there or, if not, someone will pay the freight to get the body back. In short, the home base state is what the migrant calls home.

Three home base states, Florida, Texas and California, are the biggest suppliers of migrant labor. Other southern and southwestern states also contribute. Migrants from Arkansas, Alabama, Tennessee and Kentucky travel to the midwest and eastern seaboard in search of employment each year. Arizona and New Mexico are suppliers of farm labor for the western and mountain states.

Increasingly, the home base-stream state or supplier-user state relationship is becoming muddled. The three largest suppliers of migrant farm laborers are also among the largest users. Florida reported using 77,159 migrants at some point during 1967-1968.[1] Texas reported 96,304[2] migrants and California led all states during the same period by using 133,386 migrants.[3] Also, many migrants are "settling out" in states formerly considered to be strictly stream states. Many of these "settled out" migrants remain as agricultural or agriculturally related laborers. Some even migrate seasonally from their newly aquired home base. For example, farm workers living in the state of Washington may travel to California during the harvest season in search of higher wages. Yet they return to Washington at the end of the work season.

The housing problem for farmworkers in the traditional home base states is, in its simplest form, two-fold. First there is the problem that any rural area has with a large low-income population. Under our present system poor people can not afford housing on the open market. Most government housing programs don't reach them because of their extreme poverty. Programs designed to reach the poor through local institutions have most often failed because local governments are not responsive to the poors' needs. The second problem facing home base states is similar to that in stream states, i.e., one of providing adequate housing for an itinerant population that is needed for relatively short periods each year. The problem, stated so simply, is actually enormous in economic terms.

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[1] U. S. Senate, Subcommittee on Migratory Labor. "The Migratory Labor Problem in the United States: 1969 report." 91st Congress, 1st session; report No. 91-83. February 19, 1969. Appendix A, p. 117. Migrants are defined as workers "...and family dependants who establish a temporary residence while performing seasonal agricultural work at 1 or more locations away from the place he calls home or home base. It does not include 'day haul' agricultural workers whose travels are limited to work areas within 1 day of his work location."

[2] Ibid., p. 128.

[3] Ibid., p. 116.

Florida

Of the 92,000[4] migrant farm laborers who call Florida their home, 99 percent live below a line forming the northern borders of Citrus, Marion, Volusia, and Flagler Counties. The 1960 Census gives some indication of the condition of housing in that area. Of all rural non-farm housing units, 27 percent were substandard[5] (see Table 1). One can get a better idea of housing lived in by farm workers by looking at housing occupied by persons with earnings of less than $2,000.[6] Twenty-eight per-

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[4] Ibid., p. 117. Figure for number of home based migrants "inculdes migrants and family dependents who may, or may not, migrate with the worker in a given year."

[5] Substandard units include all units lacking some plumbing facilities, have no piped water, or are considered deteriorating or dilapidated. It does not include overcrowded living conditions which contribute significantly to the misery of many migrant families.

[6] Persons performing more than 25 days of farm work averaged a total of $1,793 from both farm and non-farm labor in 1968. In the South, this average was $1,415--$1,094 for non-whites. U.S. Department of Agriculture, Economic

TABLE I

HOUSING CONDITIONS IN RURAL AREAS - FLORIDA ECONOMIC SUB REGION 39*

	All Occupied Rural Non-Farm Housing Units		Income Less Than $2,000			
			Owner Occupied		Renter Occupied	
	Number	Percent	Number	Percent	Number	Percent
Total	217,686	100	35,746	100	16,444	100
Sound	175,607	80.6	27,910	78.1	7,254	44.1
With all plumbing facilities	159,595	73.3	23,975	67.1	4,692	28.5
Lacking some plumbing facilities	12,370	5.7	3,036	8.5	1,659	10.0
No piped water	3,642	1.7	899	2.5	903	5.5
Deteriorating	27,154	12.5	5,220	14.6	4,706	28.6
With all plumbing facilities	12,156	5.6	1,937	5.4	985	6.0
Lacking some plumbing facilities	8,808	4.0	1,907	5.3	1,688	10.3
No piped water	6,190	2.8	1,376	3.8	2,033	12.4
Dilapidated	14,925	6.9	2,616	7.3	4,484	27.3

Source: U.S. Department of Commerce, Bureau of Census. 1960 Census of Housing, Vol IV, Rural Housing. Table 39-1, p. 256 and Table 39-3 p.258.

*Includes the following counties: Brevard, Broward,Charlotte, Citus, Collier, Dode, DeSota, Flagler, Glades, Hardee, Handry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Marion, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Lucre, Sarasota, Seminole, Sumpter, Volusia.

cent of the housing occupied by owners earning less than $2,000 was substandard and over 65 percent of the housing occupied by renters earning less than $2,000 was substandard.

Journalist Peter Kramer,wrote a series of articles that appeared in the St. Petersburg Times in 1965 and 1966, based upon his own experiences as a migrant worker. On housing, he wrote:[7]

> The pickers live in housing rented by the week, since they rarely can be sure where they'll be from month to month. "And you should see some of the places they call home," said the foreman. "Why them congressmen from Washington wouldn't even keep their dogs in them."
>
> I sought a room in several privately run camps inhabited by pickers to see the situation for myself.
>
> At Allen's Court, near the Cypress Citrus Plant in Eloise, I was offered a very small room with no bathroom or hot water and an ice box instead of a refrigerator for $12.50 per week. "We ain't got no rooms for single men costs more than $15 a week," the owner said proudly.
>
> Things were equally uninviting and expensive at Lewis' Court and Haven Trailer Court in Winter Haven, and B.A. Yon's camp in Eloise.
>
> I finally decided to live in luxury, taking a $12.50-a-week room on the top floor of the Lake Region Hotel in Winter Haven. It was fully equipped with a sink, hot water and a bathroom

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Economic Research Service, Agricultural Economic Report No. 164. "The Hired Farm Working Force of 1968, A Statistical Report." Table 9, p. 18, 19.

7. Peter Kramer, "Migrant" Reprinted from The St. Petersburg Times by Community Action Fund, Inc., 1966, p.3.

just down the hall.

If those particular establishments have ceased to exist, or the rents have changed, others have undoubtedly taken their place.

Farm Labor Housing, Immokalee, Florida.

Attorneys employed by the OEO funded South Florida Migrant Legal Services Program, Inc., which operates in the six southernmost counties in Florida, have made some especially poignant observations on non-labor camp housing for farm workers in their area.[8]

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[8] "Seasons in the Sun--A Preliminary Study of the Sea-

In most instances it is strikingly clear when you are in a neighborhood where farm laborers reside because that is where the paved roads end. In the summer the ditches next to the road are constantly filled with water and the water is never still because of the mosquitos constantly darting about on the surface. During the winter (the dry period) the ditches are dusty as are the yards. In the rainy season the water does not end at the ditches but stands in stagnant pools surrounding each of the homes. Old cars with broken windows, tin cans, rags, and an abundance of trash and garbage stand in the stagnant pools of water and sometimes on dry land and give the appearance of a vacated battlefield.

There is the constant presence of many children darting in and out of the broken glass and bottles and playing in the stagnant puddles and using the broken down cars for trapezes, jungle jims, swings, and any other imaginary object that their limited experience would allow them to conjure up.

An overwhelming impression after visiting any of the houses is that they are in constant need of repair. Front doors are hung improperly or broken. Porches are on the ground or non-existent. Windows are half out of their encasements. The roofs are a sea of patchwork and old shingles or in some cases are made of tin.

During the heavy rainy periods water leaks into the house through breaches in the walls or through improperly constructed windows. Everything smells of mildew. It is impossible to keep a house clean because the children track in mud from the outside and it mixes with the water on the inside resulting in filth. No matter how diligently the residents attempt to maintain cleanliness it

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sonal Farmworker in the South Florida Setting." South Florida Migrant Legal Services Program, Inc., 1969. p. 24-26.

is impossible to fight the elements which cannot be kept out of shoddy houses in disrepair.

Upon entering each of the homes the same smell greets you. It is a mixture of odors from backed up toilets and tubs. A slight, faint odor of urine and an overwhelming pallor of gloom and deprivation prevail. When indoor toilets are present, they frequently are in disrepair or will not flush properly during rainy periods. During those periods when the toilet is stopped up, the bath tub is also unusable, making it impossible to observe the basic rudiments of health and well being.

When septic tanks overflow the waste bubbles up and fills the yard with a rancid smell. Landlords are called but they do not react. The stock answer is that when the dry weather comes the septic tank will work perfectly. In many cases the septic tanks were imperfectly constructed and placed in such a manner so that they are higher than the toilets themselves. There are also cases where the pipes from the toilets to the septic tanks were too small to carry the waste products. The natural result of these problems is no drainage and toilets that do not function.

If water is taken from the wells, the water smells bad, tastes bad, and often is not potable. When local health departments are called they usually find no problem with the water. Yet, when surveys are taken by the residents and sent to the health department with samples, frequently the water comes back labled "non-usable for human consumption." As a result, on many tables, there are water buckets or water jars from water that has been hauled from inside nearby cities.

The lighting fixtures, when they are present, consist of a bare light bulb hanging from the ceiling by an electric wire. The wire is exposed as it runs from the bulb to the ceiling and across the ceiling to the next room and finally to the outside electrical connection. Many residents complain that when they touch the outlet or attempt to change the bulb they are rudely startled by a shock from the exposed wiring. This is especially prevalent on rainy days.

In the heat of a summer's day, all the windows in every home are open and usually there are no screens to prohibit flies, mosquitos and other pests from having free access to the houses. But there is a choice of suffocating from the ever present heat or being bothered by the smaller but no less annoying insects. All chose to fight the insects and not the heat.

The greatest haven for pests and bugs is under the kitchen sinks. When the doors of the cabinets have been opened to expose the rusted and leaky pipes, hundreds and thousands of small bugs and rodents scurry away from the light of day and from the eyes of the onlooker. It is not a pretty sight. The residents complain frequently of the rats -- rats which are a natural result of garbage in the yards, bad plumbing and poor construction.

The residents complain to the various local officials about the lack of mosquito control. The officials always promise to spray the next day. More often than not, the mosquito control unit is never seen.

Many persons renting from landlords pay an extra dollar a week for garbage collection services. In rural areas as a rule, counties do not provide garbage service. It is the rare landlord who conscientiously collects the garbage on a weekly basis. As a result, garbage overflows in cans, and dogs and children strew the garbage from one end of the yard to the other. Ditches are filled with debris and decaying food and other remnants of human waste. The landlord's answer to the problem is that the beople are inherently dirty. But he doesn't provide garbage cans and he doesn't provide garbage service for which the tenants are paying.

Rents for the housing described above run from $6.00 to $12.00 per week. An interesting footnote is a comparison between the rents paid per square foot of living space by migrants and those paid by the Attorneys writing the report. A typical family paid $1.26 per square foot for a two bedroom house of 450 square feet, while two miles away an MLS attorney rented a two bedroom, air-conditioned house consisting of 1200 square feet, on a quarter acre lot for an equivalent of $1.10 per square foot.[9]

Obviously, most seasonal farmworkers don't live in labor camps in Florida. Surprisingly, neither do most migrants. Approximately 96 percent of the migrants in Florida, including both those groups who call it home and the group migrating in each season, are located in the seventeen counties which are served by Migrant Health Projects.[10] Of the more than 162 thousand migrants[11] who reside in those counties at one time or another during the year less than 41 thousand,[12] or about 25 percent live in labor camps. If none of the home base migrants lived in camps (which is probably not true), still less than 50 percent of the migrants coming into the counties would live in the camps.[13]

During the 1967-68 season, only 276 of 425 camps in the seventeen county area had operating permits,[14] i.e. 35 percent of the camps were operating contrary to law.[15] Most of the Migrant Health Projects in the seventeen counties employed sanitarians who inspected the camps for violations of the state health code. 15,225 violations were found during 1967-1968, of which 6,236 or 41 percent were corrected.[16] The 59 percent which went uncorrected suggests the condition of many of the camps.

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[9] _Ibid_., footnote 1, p. 26.

[10] These counties are Broward, Collier, Dade, Glade, Hendry, Highlands, Lee, Manatee, Martin, Orange, Palm Beach, Polk, Putnam, Flagler, St. Lucie, Sarasota, and Seminole.

[11] Number taken from annual county project reports in _Florida Migrant Health Project---Fifth Annual Progress Report, 1967-1968_, Florida State Board of Public Health in cooperation with the U.S. Public Health Service, 1968.

[12] _Ibid_.

[13] Percent is derived by using in-migration figures for these seventeen counties found in "The Migratory Labor Problems in the United States: 1969 Report." p. 117.

[14] _Florida Migrant Health Project--Fifth Annual Progress Report, 1967-1968_.

[15] FSA 381,031 (i) (g), 381,432; Rules of the State Board

Texas

"There has been little evidence of any trend or incentive for improved housing for farm labor in Texas."[17] Very little has been written about labor housing in the state that supplies the most migrant farm labor and is among the greatest users.[18] However, those who have seen the living conditions in the barrios and colonias in the Rio Grande Valley are left with a lasting impression of squalor and poverty.

An estimated 52,500 migrants reside in the two most southern counties, Hidalgo and Cameron.[19] This accounts for nearly 37 percent of all home based migrants in Texas. The 1960 Census gives some idea of the condition of hous-

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of Health, The Sanitary Code of Florida, 1706--32.05. "170 c-32.04 Permit for Operation--before any person shall either directly or indirectly operate a camp he shall make an application for and receive from the board [Florida State Board of Health] a valid permit for operation of the camp."

16. Florida Migrant Health Project--Fifth Annual Progress Report, 1967-1968.

17. "No Evident Texas Trend in Housing", The Packer, March 18, 1967, reprinted in the Congressional Record, March 23, 1967, p. s 4326.

18. "The Migratory Labor Problem in the United States: 1969 Report", p. 126-128.

19. Ibid.

TABLE II

HOUSING CONDITIONS IN RURAL AREAS - TEXAS

ECONOMIC SUB REGION 99*

	All Occupied Non-Farm Housing Units		Income Less Than $2,000			
			Owner Occupied		Renter Occupied	
	Number	Percent	Number	Percent	Number	Percent
Total	14,137	100	3,684	100	3,114	100
Sound	8,194	58.0	1,876	50.9	1,030	33.1
With all plumbing facilities	4,851	34.3	611	16.6	290	9.3
Lacking some plumbing facilities	1,272	9.0	336	9.1	289	9.3
No piped water	2,071	14.6	929	25.2	451	14.5
Deteriorating	3,532	25.0	1,038	28.2	1,066	34.2
With all plumbing facilities	669	4.7	103	2.8	80	2.5
Lacking some plumbing facilities	727	5.1	206	5.6	182	5.8
No piped water	2,136	15.1	729	19.8	804	25.8
Dilapidated	2,411	17.1	770	20.9	1,018	32.7

Source: U.S. Department of Commerce, Bureau of Census, 1960 Census of Housing, Vol. IV, Rural Housing. Table 99-1, p. 631 and Table 99-3, p. 633.

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*Includes following counties: Hidalgo, Cameron, and Willacy.

TABLE III

HOUSING CONDITIONS IN RURAL AREAS - TEXAS ECONOMIC SUB-REGION 98*

All Occupied Non-Farm Housing Units			Income Less Than $2,000			
			Owner Occupied		Renter Occupied	
	Number	Percent	Number	Percent	Number	Percent
Total	40,227	100	8,491	100	4,805	100
Sound	27,601	68.6	4,271	50.3	1,967	40.9
With all plumbing facilities	22,242	55.3	2,266	26.7	1,167	24.3
Lacking some plumbing facilities	3,252	8.1	1,029	12.1	500	10.4
No piped water	2,107	5.2	976	11.5	300	6.2
Deteriorating	8,073	20.1	2,549	30.0	1,475	30.7
With all plumbing facilities	2,613	6.5	395	4.7	316	6.6
Lacking some plumbing facilities	2,769	6.8	863	10.2	640	13.3
No piped water	2,691	6.7	1,291	15.2	519	10.8
Dilapidated	4,553	11.3	1,671	19.7	1,363	28.4

Sources: U.S. Department of Commerce, Bureau of Census: 1960 Census of Housing, Vol. IV., Rural Housing, Table 98-1, p. 625 and Table 93-3, p. 627.

*Includes the following counties: Aransas, Atascosa, Bee, Bexar, Brooks, De Witt, Dimmit, Duval, Fric, Goliad, Jim Hogg, Jim Wells, Darnes, Kenedy, Kleberg, La Salle, Live Oak, Maverick, McMullen, Nueces, Refugio, San Patricio, Starr, Webb, Wilson, Zapata, and Zavala.

ing available to home based migrants in that area. Of all rural, non-farm housing in Hidalgo, Cameron and Willacy County nearly 61 percent were substandard (see Table II). In owner-occupied units occupied by persons with income of less than $2,000, 80 percent were substandard and for renter-occupied dwellings in the same income category, 88 percent were substandard.[20]

In the area just north of Hildalgo and Willacy Counties which is sub-divided into 27 counties, the housing in which Texas based migrants are most likely to live is not much better than that found in the "Valley". (See Table III) Over 60,000[21] migrants, about 42 percent of those calling Texas their home, live in this area.

Although the above statistics may be open to question because of their age and subjectivity, they do indicate that most housing in which most migrant farm workers live in their home base area is far below standard, be it some objective standard of the building trade or simply a standard of decency. Perhaps the often heard statement by growers that "The housing we furnish to migrants is as good as they've got back home," is true. But when it is used as a justification for providing bad housing, it does not meet the issues, it compounds it.

California

The refusal of the Congress to renew the bracero law in 1965, 23 years after the importation of foreign labor began, generated what was termed a housing crisis for migrant farm workers in California. For over two decades much of the labor had been male Mexican nationals who were housed in relatively inexpensive barracks. Growers realized that migrant families would have to be recruited to replace the male crews, thus requiring a different kind and unavailable housing unit.

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[20] See note 5, above.

[21] See note 18, above.

> California's agricultural industry is huge, employing some 500,000 workers, supplying some 40 percent of the nation's table food, and taking in annual receipts of over $3,600,000,000. The average annual income of seasonal farm families, an aggregate of all who are old enough to go out in the fields, is $2,500.
>
> Rural housing in general is of dismal quality: Governor Brown's Advisory Commission on Housing Problems has estimated that there are 200,000 substandard units in the rural agricultural areas of California. Highway 99, running the length of the state and lined with farm workers' shanties, has been termed "the longest slum in the world." But for the 5 to 10 percent of California's farm workers who go on the road, traveling up and down the state, following the harvest for a living, housing is worse than substandard.
>
> ...(F)amily housing, when available, can cost as much as $15 a week, and be considerably above the allowable occupancies set for courts and camps. The large families--four, five, and six children are not uncommon--present their own problems of overcrowding.
>
> With no shelter available, many families are forced to camp in ditchbanks and under bridges, where the most elementary sanitation and comfort is lacking. But despite the varied types of shelter, the common denominator for migrants is a vast sense of social isolation. Migrant workers do not belong to any community, are not wanted by any community. They are herded off after the harvest, and while in residence are beyond the reach of such basic services as schools, day-care centers, clinics.[22]

In the four years since the above was written some changes have occurred, but essentially it is the same. At best, some of the migrants can now find units with "elementary sanitation and comfort." Migrant children in several areas have access to schools, day-care centers and clinics. Yet some migrant families are still forced to camp out on riverbanks and many crowd into the motels, hotels, and rooming houses available to transients.

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[22] "Short Term Housing for a Long Term Problem," Progressive Architecture, May 1966, p. 167.

Hughson, California - Cabins rented by Migrants during harvest season.

It is a wonder that the condition and availability of housing for migrants is not worse due to an overall housing shortage reaching the crisis stage in much of rural California. For example, in Stanislaus County:[23]

> (t)he vacancy rate is estimated at about 1%. (During December, The San Francisco Chronicle

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[23] Elinore Blake, Unpublished background paper on housing activities in Stanislaus County, California, Stanislaus County Community Action Commission, Inc., Modesto, Califor-

featured a story on that city's housing problems and reported that officials were in extreme distress because the vacancy rate had fallen to 2 1/2%.) A vacancy rate of 1% means that there are essentially no dwellings available to be rented. The housing shortage has resulted in a seller's market and a rapid rise in rents; figures provided by the Welfare Department show that lower-priced units have doubled in cost over the last two years.

Interior of a Labor Contractor's Camp in California

A survey of the California farm labor force done in 1965 found:[24]

There is no single farm labor housing problem.

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nia, p. 1.

[24] Assembly Committee on Agriculture by its Advisory Committee on Farm Labor Research, The California Farm Labor

TABLE IV

TYPE OF PERMANENT HOUSING BY STABILITY

(Percentage Distribution of a Weighted one Percent Sample of Workers with $100 or More California Farm Earnings in 1965).

Type of Permanent Housing	Total	STABILITY Non-Migrant	Migrant
Total Number	4,867 (100%)	3,417 (70.2%)	1,451 (29. %)
Total, Permanent	100.0%	100.0%	100.0%
House	86.0	89.7	77.4
Trailer	2.0	2.1	2.0
Apartment	5.7	4.6	8.2
Hotel or Motel	1.1	0.7	2.1
Rooming House	1.2	0.8	2.2
Other	3.3	2.0	6.5
Unknown	0.6	0.2	1.6

Source: The California Farm Labor Force: A Profile,"Assembly Committee on Agriculture; Advisory Committee on Farm Labor Research, April, 1969. Table E, p. 115.

In one sense, farm labor housing must be considered as a part of the broader problem of pro-

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Force: A Profile, April, 1969, p. 112.

> viding adequate housing for low income rural people. In the narrower sense, it is an aspect of the problem of labor supply for California's agriculture. To attract and hold both permanent local workers and migrant workers, California growers must be concerned that housing needs, of such workers, are being met by the combined efforts of the public and private sectors including the growers themselves.

A part of the survey attempted to identify the type of permanent housing lived in by farm workers. As would be expected, a greater percentage of local workers were more likely to live in houses while migrants were more likely to live in other types of units. (See Table IV).

Overcrowding, always a problem among the poor, is widespread among California farm workers (see Table V), and is undoubtedly critical among migrants (most state labor housing codes, and the Federal code require only 60 square feet of living space per person in housing where cooking, eating and sleeping is permitted).

Perhaps the most disheartening thing about the housing situation in California is that more has been done to meet the problem in that state than in any other--and it is still critical. To date, the OEO had spent an estimated $5,750,000 to build some 2,000 temporary family shelters.[25] More self-help housing has been built by farmworkers there than in any other state. From 1966 to June 1969 the Farmers Home Administration loaned $2,779,540 to Public Housing Authorities under its §514, Farm Labor Housing Program, and gave $3,776,900 to the Public Housing Authorities through its §516 Grant program.[26] These funds were used to upgrade or construct 843 family units.

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[25] Interview by telephone, V. Ralph Gunderson, Chief, Migrant Programs, State Office of Economic Opportunity, Sacramento, California, May 7, 1970. This amount means that just over $43 has been spent per migrant and seasonal farmworker on housing. (Based on 1967-1968 migrant and seasonal farmworker population.)

[26] See Table XI, this report.

TABLE V

NUMBER OF ROOMS BY SIZE OF FAMILY UNIT

(Percentage Distribution of a Weighted One Percent Sample of Workers with $100 or More California Farm Earnings in 1965.)

SIZE OF FAMILY UNIT

Number of Rooms	Total	One Person	Two Persons	Three Persons	Four Persons	Five or Six Persons	Seven or Eight Persons	Nine or Ten Persons	Eleven or more Persons	Un-known
Total Number	4,867	762	690	627	683	1,039	589	247	123	107
Total Percent	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	
One Room	3.7	18.4	1.5	2.1	1.2	0.2	0.6	0.7	0.0	
Two Rooms	4.8	15.4	5.3	3.0	2.0	2.0	2.5	4.7	1.2	
Three Rooms	10.5	13.2	14.4	10.6	6.9	10.7	9.2	2.2	7.0	
Four Rooms	21.4	16.1	26.3	26.8	17.4	19.6	17.5	33.4	17.8	
Five Rooms	24.6	12.3	30.9	29.0	26.2	24.0	29.1	16.9	39.4	
Six Rooms	16.6	4.8	12.5	15.2	26.9	18.7	18.1	24.2	18.2	
Seven Rooms or more	12.7	4.1	6.2	10.8	18.1	20.5	17.9	10.9	5.4	
Unknown	5.7	15.8	2.9	2.6	1.2	4.2	5.1	7.0	10.9	

Source: "The California Farm Labor Force: A Profile", Assembly Committee on Agriculture; Advisory Committee on Farm Labor Research, April, 1969. Table H, Page 117.

More must be done in California, if farm workers, be they migrant, seasonal, or year round workers, are to be housed adequately. Much, much more must be done in other home base states to even bring the conditions of farm labor housing up to what it is in California.

THE STREAM STATES

There is probably no working group in the United States today that lives in worse housing than migrants in stream states. Traditionally, the growers who hire the migrants furnish the housing.[27] This has been a point of irritation for both growers and migrants over the years. Growers complain that they are the only employers in the country who are required to furnish housing for their labor force. This contention is often used to justify why stricter farm labor housing codes should not be enacted or actively enforced. Migrants complain that housing provided by growers is used as an unreasonable tool by their employer to gain an unfair bargaining position and control over their private lives. It is well documented that a large number of labor camps run by growers, groups of growers, or labor contractors often become virtual prisons for the employees and families who occupy them.[28]

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27. For example, 75-85 percent of the housing units in Oregon and Washington were located on farms where migrants worked, "The Migratory Labor Problem in the United States: 1969 Report.", p. 34. In a sample of 194 growers in Michigan, 91 percent of them provided camp housing for their workers. (Michigan Civil Rights Commission, "Report and Recommendations on the Status of Migratory Farm Labor in Michigan," 1968, Appendix, p. 123.)

28. See: "Opinion on Right of Access to Labor Camps," Patrick J. Foley, United States Attorney, District of Minnesota, July 26, 1968; Kent Springs, "Access of Visi-

Housing available to farmworkers - Beverly, Washington.

Agriculture is a unique industry in several ways. It is one of the few basic industries where classic competition "works", i.e. where price control is still essentially beyond the control of any single producer. It is also unique in that it requires a highly fluctuating seasonal labor supply. This labor may come as far as 2000 miles and be employed by one grower for as short a time as a few days. Except for housing furnished by growers, there few places, if any, in rural areas of the country which have sufficient accommodations to house the large influx of migrants each summer.

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tors to Labor Camps on Privately Owned Property," Florida Law Review, Vol. 21, No. 3, Winter, 1969, p. 295; Elizabeth J. du Fresne, "Compare this Prison--Lack of Free Access to Labor Camps," unpublished article, 1968. Agriculture is the last stronghold of the "company town" which was always an implement of servitude.

Although many growers complain about having to house migrants, they are generally loath to participate in any form of central housing over which they do not exercise control. The fear of having to bargain in a relatively free labor market often offsets their threat of "getting out of the housing business". Growers generally put forward four basic arguments for not wanting to invest substantial funds in housing for their workers:[29]

1. Mechanical harvesters will replace workers in the near future;
2. Housing facilities are used for only a few weeks out of the year;
3. Alghough the housing leaves something to be desired, it is at least equivalent to what workers have in their home base areas;
4. All too often there has been willful destruction of very fine facilities that were provided.

There were 15 states (excluding California, Texas, and Florida) that had more than 10,000 migrants and family dependents establishing temporary residence during 1967-1968 (see Table VI).

Studies have been conducted, surveys have been made, articles have been written, or hearings have been held on farm labor housing in most of these 15 states. Most of them point to the undeniable conclusion that much of the housing provided for migrants is deplorable.

During the summer of 1969, the Migrant Research Project[30] surveyed 148 camps in Michigan, or about six percent of all the licensed camps in the state. In addition, they surveyed 54 camps in four other states (Wisconsin, Iowa, Minnesota and Washington). The survey showed the percent

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29. Michigan Civil Rights Commission, note 27 above, p. 10.

30. The Manpower Evaluation and Development Institute, Migrant Research Project is an Office of Economic Opportunity funded program located in Washington, D.C.

TABLE VI

STATES WITH MORE THAN 10,000 MIGRANTS AND DEPENDENTS IN 1967-1968

(Except California, Texas and Florida)

State	Number of Migrants and Dependents
Michigan	83,696
Oregon	43,233
Ohio	32,583
Washington	31,257
New York	29,280
Wisconsin	19,687
Illinois	19,518
Arizona	19,292
Idaho	18,868
North Carolina	17,307
Colorado	15,532
New Jersey	15,194
Indiana	14,375
Connecticut	11,672
Virginia	10,171

Source: U.S. Senate Subcommittee on Migratory Labor. "The Migratory Farm Labor Problem in the United States: 1969 Report" 91st Congress, 1st Session. Report No. 91-83. Appendix A.

of camps which had defects based upon the minimal requirements of the Michigan Labor Camp Code[31] and the Federal Housing Code For Agricultural Workers.[32] The results of that survey are found in Table VII.

On Long Island, in Suffolk County, New York, 1170 migrants lived in 77 camps in 1969.[33] Another 550 seasonal employed agricultural workers lived in housing of less than five persons per camp.[34] The county agricultural agent, H. D. Wells, ranked the condition and availability of the migrant housing as "excellent".[35] Testimony of the Reverend Arthur Bryant, pastor of St. Peter's Lutheran Church in Greenport, New York and vice chairman of the Suffolk County Human Relations Commission before the U.S. Senate Subcommittee on Migratory Labor, suggested that he would rank at least some of the camps differently:[36]

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[31] Michigan Public Act 289 of 1965 and regulations.

[32] 20 CFR 620.

[33] "Tabulation of the Numbers of Seasonal Agricultural Workers on Farms and Potato Grading Stations in Suffolk

> Occasionally we get glimpses of migrant life. The bullpen (male migrant living barracks) is a study in itself. No prison was ever better designed to destroy the identity of a human being. It is the place where the bully rules, where the alcoholic throws up on the floor, where the TB victim coughs in everybody's face. It is the dimly lit room without furniture except beds.
>
> There is no place to read a book, no closet to lock up one's personal belongings, no family, no love, no hope. The State of New York is advanced in that it now prescribes 50 square feet of floor space per man although there is no provision in the State sanitary code for a

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County, N.Y., 1967, 1968, and 1969." Estimated on January 7, 1970 by Robert Dietrich, Farm Placement Representative, NY State Employment Service, Riverhead, N.Y.; Sidney Beckwith, Suffolk County Department of Health, Riverhead, N.Y.: and H.D. Wells, Cooperative Extension Agent, Riverhead, N.Y.; based on U.S. Census Information, Health Department Inspection of Camp and labor referrals made by N.Y. State Department of Labor. Unpublished.

[34] Ibid.

[35] Answer in questionnaire for Survey of Farm Labor Housing conducted by the Rural Housing Alliance, April, 1970.

[36] Statement by Rev. Arthur Bryant, Hearings Before the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, United States Senate, 91st Cong. 1st Session on "Who Are the Migrants," June 9 and 10, 1969. Part 1, p. 30

TABLE VII

DEFECTS IN LABOR CAMPS IN MICHIGAN AND FOUR OTHER STATES

Defect	Percent of camps defective	
	Michigan*	Other States**
Camp Area		
Camp Drainage	45%	48%
Junk and trash in camp area	54%	45%
Poisonous weeds and plants in camp area	11%	4%
Inadequate number of garbage cans	35%	11%
Uncovered garbage cans	73%	84%
No recreation area	39%	54%
Water Supply		
Insufficient water	18%	6%
Water supply believed to be unsafe	17%	14%
Housing Construction		
Leaking roof	43%	11%
Leaking walls	28%	16%
Unsafe floors	32%	15%
Rough floors	42%	46%
Wet floors	40%	24%
Uncleanable walls	49%	45%
Uncloseable windows	23%	16%
Broken windows	39%	29%
Inadequate doors	36%	43%
Inadequate screens	40%	78%
Fire Protection		
Insufficient fire escapes	43%	60%
Inadequate fire extinguishing equipment	47%	43%
Furnishings		
No food storage shelves or work area	22%	24%
No place to hang clothing	46%	40%
No working refrigerator	19%	12%
Insufficient tables and chairs	43%	60%
Electricity		
Electricity not furnished to all units	1%	10%
Not at least one wall plug in each room	21%	12%

Continued on next page

TABLE VII Cont.

Defect	Percent of camps defective	
	Michigan*	Other States**
Inadequate yard lighting	69%	52%
Bare electrical wires	14%	18%
Wires exposed to combustible materials	21%	13%
Overcrowding		
Overcrowded units	70%	75%
People sleeping on floors or in cars	26%	25%
Children sleeping with parents	39%	74%
Heating		
Unsafe heating system	69%	32%
Bathing Facilities		
No bathing facilities	32%	20%
Laundry Facilities		
No laundry facilities	56%	24%
Toilets		
Inadequate number of toilets	35%	39%
Separate toilets not furnished for men and women	38%	37%
Toilets not well lighted	83%	76%
Toilets not well ventilated	71%	49%
Toilet paper and holder not provided	76%	75%
Privy pits not fly tight	73%	49%
Privies too close to living units	44%	29%
Toilets too far from living units	19%	10%
Unsanitary toilets and privies	62%	46%

Source: Unpublished draft of preliminary findings of conditions in Labor Camps in Michigan and Four Other States. Manpower Evaluation and Development Institute, Migrant Research Project. 1968.

** Wisconsin, Iowa, Minnesota, and Washington.

* Based on a six percent sample.

> reading or a recreational room. Most States now accept the totally unacceptable standard of 40 square feet prescribed by the U.S. Employment Service.
>
> The city of New York requires 80 square feet of space for any child above the age of 2. When growers protest the destructiveness of the migrant worker in the bullpen, it never seems to occur to them that the crowded, undisciplined minimal standards for bullpen housing are in themselves destructive, violent attacks upon humanity which deserves some form of reciprocation.

Congressman Allard Lowenstein, of New York, also found the Labor camps in Suffolk County considerably less than excellent:[37]

> Rep. Allard Lowenstein, accompanied by representatives of the Suffolk Human Relation Commission and Seasonal Employees in Agriculture (SEA), visited the Agway Inc. and Mort Zahler camps on Edgar Avenue, Riverhead.
>
> Lowenstein, Long Beach Democrat, said later; "There exists a large group of Americans living under conditions that would not be proper even in the most primitive times."
>
> * * *
>
> The House agricultural committee member asked the migrants about conditions. Most asked for help but their tired faces showed little hope.
>
> At the Zahler camp, a forgotten string of Christmas lights hung from the shingleless, leaking roof to a spot above a screen door rotted and peeling.
>
> The heat inside the two-room shack was oppres-

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[37] Ibid., p. 86, reprinted from Long Island (N.Y.) Press, April 28, 1969.

> sive, even with the windows open and a cool breeze blowing. A man inside spoke briefly with Lowenstein but without grasping what the meeting was all about.
>
> Lowenstein next toured the "bullpen", a building housing 21 cots and little else. The blankets on the beds were thin and worn. Mattresses showed the effects of years without change. Stuffing billowed from some; others were so grimy and faded, their original color had long since disappeared.
>
> Two of the migrants, Frank Funn, 40, and Samuel Carter, 58, said they were in the camp because this is the only thing they know.
>
> One of the workers said the food was "pretty good" in response to a question from Lowenstein. "We get plenty of rice and beans," he said. He made no mention of meat.
>
> But several other workers said they occasionally were fed chicken, pigs knuckles and feet.
>
> Bathroom facilities consisted of two commodes, a sink and a shower. Water trickled from a pipe onto the muddy floor and the room reeked of urine.
>
> At the Agway camp the "bullpen" had been newly painted. Some of the beds had mattress covers.
>
> But on the whole it was far below the housing standards one has become accustomed to--even in the worst areas of Long Island or any place else.

These descriptions could go on indefinitely as similar conditions exist in all of the states with any migrant population. In Maryland, Pennsylvania, Indiana, Michigan, Minnesota, Illinois, Iowa, Colorado, Utah, and Washington, the record[38] clearly points to a great need for a mass program to improve the living conditions of migrant and seasonal farm workers. The remainder of this study will look at some of the programs designed to do just that.

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[38] John M. McClintock, "Migrant Camps Blur Identities," The Baltimore Sun, September 22, 1969; Interviews with

Wretched Housing in the shadow of scenic Mt. Baker.

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volunteer workers in Union County, Pennsylvania, Lewisburg, Pennsylvania, February 21, 1970; Migrant Research Project, Table VII, this study; Migrant Research Project, Housing Survey Forms of several camps in Vermillion County, Illinois: Annual Report, Migrant Action Program. 1969. Mason City, Iowa; Valenzuela v. Housing Authority of Weld Co., Civil Action No. C-1580, 1969, D.C., Denver, Colorado; Interview, Charles Brenner, Utah Migrant Council, April 13, 1970; and Karen M. James, Jean M. Langdon, Thomas A. Langdon, Kerry J. Pataki, Lynn D. Patterson, and Steven S. Webster, Department ofAnthropology, University of Washington, Seattle, Washington, "The Endless Cycle, Migrant Life in the Yabina Valley--1967." Excerpts published in Hearings before the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, United States Senate, 91st Cong. 1st Session "Migrant Subculture" July 28, 1969, Part II, p. 483-544.

PART II

An Effective Program, Now History

THE FARM SECURITY ADMINISTRATION

The problems of migrant farm labor were almost entirely ignored by the New Deal legislation designed to pull the country out of a depression and extend social benefits to working people. However, the housing situation for the rural poor migrating to the West Coast was so critical that something had to be done. The Farm Security Administration (at that time The Resettlement Administration), engaged in a rehabilitation program for people on their own land, was assigned the task of reaching the migrants in 1935:[1]

> The FSA Camp program played a significant role in the history of farm labor in the United States. The camps were the first concrete evidence of recognition on the part of the Government of its responsibility toward migrant agricultural workers--toward those thousands of men, women and children who were uprooted from their farms and forced out onto the highways in search of a living during the stormy period of agricultural adjustments which took place after the first World War. Although wholly inadequate to meet the desperate needs of more than a fraction of the total number of migrant workers and their families, the camp

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[1] History of the Farm Security Administration Camp Program for Migratory Agricultural Workers--with particular emphasis on the role of the camp program in relation to agricultural labor needs. Labor Division, Farm Security Administration, Department of Agriculture, p. 3. (herein after cited as History of the Farm Security Administration.) p. 28.

> program pointed the way toward the rational, humane handling of a broad social problem.

Thirty-five years later the "broad social problem" still exists and still needs "rational, humane handling."

Farm Security Administration, Weslaco, Texas, 1940

From 1935 to 1938 the program attempted "to provide temporary relief for migrant agricultural workers"[2] by providing shelter where concentrations of migrants were found. In 1936, by assuming management of two emergency housing camps set up by the California State Relief Administration, the Farm Security Administration found itself in the labor housing business:[3]

> From this beginning, actually limited to the

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[2] Ibid., p. 3.

[3] Clay L. Cochran, Hired Farm Labor and the Federal Government. Doctoral Dissertation, University of North Carolina, 1951, p. 118.

> assumption of administration of two groups of wooden tent platforms around some sanitary facilities, the program developed into a nationwide program with 95 camps serving 121 cities in 16 states.

These camps had a total capacity of 19,464 families at one time.[4]

Farm Security Administration, Weslaco, Texas, 1940.

The first camps built were called "standard" camps. At the start, only rows of platforms on which migrants could pitch tents were provided along with central sanitary facilities. These platforms soon gave way to more substantial one room structures made of wood or metal.[5]

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[4] House of Representatives, Hearings before the Select Committee on Agriculture, to Investigate the Activities of the Farm Security Administration. 78th Congress, 1st Session, 1945, Part 3, p. 1165.

[5] The metal shelters were an early triumph for industri-

TABLE VIII

NUMBER AND LOCATION OF FARM SECURITY ADMINISTRATION CAMPS IN 1942

Location	Number of standard camps	Number of mobile camps	Total
United States	41[a]	51[b]	92
Atlantic Coast	--	20[c]	20
Arizona	3	3	6
Arkansas	1	--	1
California	13	6	19
Colorado	2	--	2
Florida	7	--	7
Idaho	2	7	9
Missouri	1	--	1
Oregon	1	9	10
Texas	9	--	9
Washington	2	6	8

Source: Clay L. Cochran, "Hired Farm Labor and the Federal Government." Doctoral Disertation, University of North Carolina, 1951, Appendix A, p. 194.

[a] Does not include 3 standard camps commandeered by the Army at Yakima, Washington, McAllen, Texas, and S. Dade, Florida.

[b] Includes two mobile camps utilized by Army.

[c] Includes 18 mobile and two CCC camps.

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alized housing but an unmitigated tragedy for the human beings forced to live in them.

Community centers were established, providing space for camp meetings, day nurseries, recreation, education classes and clinics.[6] Eventually, about 50 cottages or "labor homes" were built for each camp of 350 shelters.[7] These were used by migrants wishing to stay in the area after the major harvest period.

Mobile camps were designed for use in areas where the agricultural labor demand was strictly seasonal. These camps used tents on platforms for housing; water and power were supplied from auxiliary trucks. Some of these camps had a capacity of 1000 people.[8]

The camps were a great improvement over what was otherwise available, even those with tents. In fact, they were better than many that are in use today. However, even in 1943 the camps were considered as "... offer(ing) the barest minimums of sanitary living facilities."[9] Perhaps more important than their relatively good condition was the manner in which they were managed:[10]

> ...(T)o prevent the possibility of a "concentration camp" atmosphere and at the same time to promote an understanding of democracy among the migrants, as many of the management and disciplinary functions of the camp as possible were turned over to the camp residents themselves. They handled these problems through the medium of a community council.
>
> The camp councils proved highly successful in promoting the efficient management of the labor

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[6] History of the Farm Security Administration, p. 26.

[7] Ibid., p. 27.

[8] Ibid., p. 67. Also see Cochran, Appendix D.

[9] Hearings to Investigate the Activities of the Farm Security Administration, p. 1165.

[10] History of the Farm Security Administration, p. 30-34.

camps, particularly in those areas where the season was long with a resulting fairly stable camp population. In very short-season areas, using mobile type camp units, some difficulties were experienced in establishing an active camp council because of the rapid turnover among the camp residents which destroyed the continuity of the camp personnel and even prevented the residents from becoming well acquainted with one another.

Despite these difficulties the self-governing principle upon which all FSA camps were established was one of the most important factors in assuring the success of the program. By the simple expedient of giving the people a chance to have a say in their own affairs the workers learned a real lesson in democracy and the task of administering orderly, disciplined and clean camps was reduced to a minimum. By providing housing and sanitary facilities the FSA camps played a significant role in relieving the distress of homeless wanders as well as becoming an example of the minimum rights to which this class of workers should be entitled.

The response of the migrants to this type of camp organization was excellent. Enthusiasm was particularly noticeable among those migrant groups who suffer most from social ostracism in our society today, i.e., the Mexican and Negro workers. The camp government was often their initial experience with the processes of democracy. For the first time they felt that they had a stake in and a responsibility for something important in their lives.

Up until the 1942 season migrant families were allowed to live in the camps free.[11]

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[11] U.S. Department of Agriculture, Farm Security Administration, Migrant Farm Labor--The problem and some efforts to meet it, 1940, cited in History of the Farm Security Administration, at p. 32.

> Each family is asked, however, to contribute about 10 cents a day to a camp welfare fund, which is handled jointly by the campers' committee and the FSA manager. Money from this fund is used for minor improvements around the camp, and sometimes to help out families who are particularly hard up or to provide school lunches and clothes for needy children. In a few cases, campers have used some of the money to finance inexpensive camp newspapers, consisting of three or four mimeographed pages.
>
> In addition to its daily contribution, each family is expected to put in two hours work every week around the camp, cleaning up the ground and sanitary buildings, planting grass, repairing shelter, and so on. If a family is unable to pay its 10 cents a day, it was asked to do an extra two hours work a week.

In 1942, as farm labor wages began to rise somewhat, rents were charged ranging from 50 cents to $3.25 per week, depending upon the type of shelter provided.[12]

From the beginning of the farm labor camp program until 1938, funds for it came from emergency relief appropriations acts earmarked for "rural rehabilitation."[13] From 1938 through 1942 the funds for migrant camps totaled $21,557,631.[14] (See Table IX, for yearly breakdown.)

By the end of 1942, the FSA's farm labor program, of which the camp program was a part, came under increasingly savage attack by conservative farm lobbies and Congressmen.[15] The progressive tide had turned in the Department

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[12] Hearings to Investigate the Activities of the Farm Security Administration. p. 1165.

[13] Baldwin, Poverty and Politics--The Rise and Decline of the Farm Security Administration, (Chapel Hill, University of North Carolina Press, 1968), p. 222.

[14] Hearings to Investigate the Activities of the Farm Security Administration, p. 1178.

[15] Baldwin, p. 378-382.

TABLE IX

OBLIGATION OF FUNDS FOR FARM SECURITY ADMINISTRATION'S MIGRATORY LABOR CAMPS

YEAR	AMOUNT
1938	$1,095,308
1939	5,048,195
1940	5,010,733
1941	4,561,841
1942	4,432,441

Source: Hearings before the Select Committee of the House Committee on Agriculture, To Investigate the Activities of the Farm Security Administration. House of Representatives, 78th Congress, 1st Session 1943, Table: "Obligation of Funds by Purposes and Fiscal Years." p. 1178.

of Agriculture and in April of 1943 President Roosevelt signed the House Joint Resolution 96 into law.[16] In this law the FSA's migrant labor camp program was transferred to the War Food Administration. In 1946 the liquidation of the labor camps was ordered.[17] In 1947 Congress passed new legislation which authorized the Secretary of Agriculture to

> ...dispose of any labor supply center, labor home, labor camp or facility [by sale]...to any public or semipublic agency or any nonprofit association of farmers in the community who will agree to operate and maintain such facilities for the principle purpose of housing persons engaged in agricultural work and to relieve the

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[16] 57 Stat. 70, cited in Baldwin, at p. 382.

[17] 60 Stat. 1046 (1946).

> Government of all responsibilities in connection therewith.[18]

The Secretary was to have until June 30, 1949, to dispose of the camps; and after January 30, 1948, none of the remaining camps were to be operated

> except under contractual arrangements with responsible public, or semi-public organizations or nonprofit associations of farmers who will agree to operate such facilities for the principal purpose of housing persons engaged in agricultural work and to relieve the Federal Government of all financial responsibility in connection with the operation of such facilities.[19]

In May of 1949, however, 39 of the camps remained unsold, so Congress extended the Secretary's authority to sell the camps until June 30, 1950.[20] At the end of this period the camps were to be sold to the highest bidder. Prior to the deadline, however, Congress again passed legislation affecting the camps. This time it authorized the transfer of camps to the United States Housing Authority

> ,..for the principal purpose of housing persons engaged in agricultural work, and preference for occupancy in such projects shall be given to agricultural workers and their families; the rents in such projects shall not be higher than the rents which such tenants can afford.[21]

The act also authorized the Authority

> ...to enter into contracts for disposal of said projects by any of the methods provided in this Act, including disposal of any such project to a public housing agency for a consideration consisting of the payment by the public housing

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18. 61 Stat. 694 (1947).

19. _Ibid_., sec. 2.

20. 63 Stat. 144 (1949).

21. 42 U.S.C. 1412 (f).

> agency to the Authority during a term of not less than twenty years of all income therefrom after deduction of the amounts necessary for (I) reasonable and proper costs of management, operation, maintenance, and improvement of such project; (ii) payments in lieu of taxes not in excess of 10 per centum of shelter rents; (iii) establishment and maintenance of reasonable and proper reserves; and (iv) the payment of currently maturing installments of principal and interest on any indebtedness incurred in connection with such project by the public housing agency with the approval of the Authority.[22]

Finally, in 1956 the Federal Government washed its hands of "the first concrete evidence of recognition on the part of the government of its responsibility toward migrant agricultural workers" by amending the PHA responsibilities of operating the camps and of receiving payment from local Authorities. This amendment authorized the Authority to transfer its title to the camps

> ...to any public housing agency whose area of operation includes the project, upon a finding and certification by the public housing agency ...that the project is needed to house persons and families of low income and that preference for occupancy in the project will be given first to low income agricultural workers and their families, and second to other low income persons and their families....[23]

This transfer of title was to be "without monetary consideration".

Thus, a strong government program designed not only to subsidize the growers by providing housing for their laborers, but also to help the laborers by furnishing them with sanitary housing in a democratic atmosphere in which they could feel that they had a "piece of the action", be it ever so small, came to an end. It took the government less than six years to build all of the camps. It took it 14 years to get rid of them. Of course, one can only conjecture what would have happened if the Farm Security Administration could have continued in the pattern set between 1936 and 1943, a pattern which seemed to mean the stabilization of migrant farm workers by providing housing. It seems clear, however, that the condition of migrant housing today is much worse because of the loss of the program.

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[22] Ibid.

[23] Ibid., as amended by 70 Stat, 1091, (1956).

Many of the camps built by the Farm Security Administration are still being used by migrants and other agricultural workers under local housing authorities. Their condition varies greatly. One of the camps built in Florida was described in the summer of 1969.[24]

> The government built some housing in this area for emergency use back in 1942, and these same houses hold possibly more than one third of the town's population, even though they have been condemned for about eight years. The housing authority took over this from the government a long time ago, about 1947, and since that time they have not even put a coat of paint on the houses. They haven't done anything to them. People are living there because there is no other place in the town to stay. They have to live in condemned shacks.

The camp built in Fort Lupton, Colorado, and subsequently turned over to the Weld County Housing Authority has been the subject of recent litigation brought by migrant farm workers. In one suit the migrants sought injunctive relief to prevent what was alleged to be a retaliatory eviction for complaints made to the state camp licensing division.[25] The second case[26] more or less grew out of

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24. Statement by Elija Boone, Hearings Before the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, "Who are the Migrants," Part 1, p. 30.

25. Valenzuela v. The Housing Authority of Weld County, Civil Action No. C-1508, 1969, U.S.D.C. Denver, Colorado.

26. Perez et. al., v. The Housing Authority of Weld Coun-

the first one. The camp was closed in November, 1969, because of numerous violations of the labor camp housing code, and the Housing Authority subsequently decided to sell the units used by migrants to individual growers for $10 each. The suit is attempting to stop this sale on the theory that Federal Statutes require (see above) that the camp be used by agricultural workers as long as there is a need.

These are but two examples of what has happened to the camps since they were transferred to local authorities. There are others, e.g., those in Stanislaus County, California, which have been maintained in relatively good condition. At the camp in Linnel, California, the metal one room shelters were torn down in 1967 and replaced in 1969 by units financed with a Farmers Home Administration Farm Labor Housing Loan and Grant.

It is extremely significant that one observer noted[27]

> ...though conditions had always been bad, no one paid much attention to the problem because it affected mainly foreigners. It was not until increased mechanization on the Nation's farms, the depression and the drought had driven thousands of native white American families from their homes that the distressing conditions of the migratory worker became a problem of national concern.

With the demand for industrial labor caused by World War II, most of those "native white American families" were able to secure better employment than in the fields, leaving that work again to "foreigners", Blacks, and Chicanos. When that occurred, it is probably not coincidental that the "distressing conditions of the migratory

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-ty, Civil Action No. C-1919, filed in U.S.D.C. Denver, Colorado, Dec. 9, 1969. See also, the Memorandum Filed in Opposition to Motion for Summary Judgement, Gary S. Goodpaster, Jonathan B. Chase, William D. Prakken, Attorneys for Plaintiffs, Colorado Rural Legal Services, Inc., Boulder, Colorado.

[27] History of the Farm Security Administration Camp Pro-

worker" were no longer a "national problem" and a program designed for their benefit was discontinued. The next federal program to provide housing for farm workers did not come into existence until 1962, and that, is totally inadequate.

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gram, p. 20.

PART III

Minor Programs Affecting Farm Labor Housing

MIGRANT HOUSING CODES AND CODE ENFORCEMENT

There seems always to have been an awareness on the part of at least some public officials of some of the deplorable conditions in migrant camps. Their approaches to combat them have varied considerably. The most universal approach has been to set minimum standards and attempt to enforce them through the issuance of licenses or operating permits.

At the Federal level the first attempt to improve camps not within its jurisdiction was made by the Farm Security Administration. Part of its migrant labor program involved transporting labor to areas where they were needed.[1]

> With respect to domestic migratory workers, the FSA and the U.S. Employment Service proceeded on the basis of directives issued by the War Manpower Commission in June, 1942. In the fall, acting in response to demands for workers to harvest record-breaking crops, representatives of the FSA negotiated a series of agreements with potential employers, in which the leaders of the agency used the leverage of their transportation function to extract specific guarantees. No farm workers would be transported by the FSA unless standards respecting working conditions, wage rates, the provision of adequate housing, and freedom from discrimination were satisfied. Local prevailing wages were to be paid, with a minimum of thirty cents an hour.

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1. Sidney Baldwin, Poverty and Politics--The Rise and Decline of The Farm Security Administration, Chapel Hill, University of North Carolina Press, 1968, p. 224.

> Between September, 1942, and May, 1943, the FSA transported more than 8,000 domestic farm workers under these arrangements. Also, during the same period, more than 5,000 year-round farm workers from submarginal farming areas, especially the Appalacians and the Southeast, were transported to areas where labor shortages existed.

In May, 1946, the Federal Interagency Committee on Migrant Labor was formed. One of its recommendations was that laws should be enacted giving authority to State labor commissioners for licensing and regulating labor camps. It even went so far as to "suggest" language for laws of this type.[2] In 1950, the President's Commission on Migratory Labor was established and it too "made a number of recommendations with respect to improving conditions for migratory farm labor, including migrant housing".[3] In August, 1954, the Interdepartmental Committee on Migratory Labor, later called the President's Committee on Migratory Labor was appointed.[4] This committee drafted a code, issued in 1956, to serve as "a guide to State agencies, farmers, and civic groups in improving housing for migrant agricultural workers".[5]

This code was used by the U.S. Department of Labor, Bureau of Employment Security State Agencies as the basis for approval of the housing element of interstate job orders for agricultural workers.[6] These regulations

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2. U.S. Department of Labor, Bureau of Labor Standards, _Housing for Migrant Agricultural Workers--Labor Camp Standards_, Bulletin 235 (Revised) November, 1962, p. 3.

3. _Ibid_.

4. _Ibid_.

5. _Ibid_., p. 4.

6. U.S. Department of Labor, Manpower Administration, "Housing regulations of the U.S. Department of Labor for out-of-state Agricultural, woods, and related industry workers recruited through State Employment Service," 1968, p. 1.

were not made mandatory, however, until 1967.[7] In other words, after 1967, the State Employment Agencies were to deny the use of their recruitment services to employers who could not furnish housing meeting the President's Committee's code. It should be noted, however, that the code had a provision for "waivers" which was used extensively with the result that much of the housing used still failed to meet the code. On October 30, 1968, the Department of Labor amended the code[8] and substantially strengthened it. Major changes included showers with hot and cold running water and laundry facilities were to be provided in all camps. It also provided for minimum space requirements (60 sq. ft. per person in units where both cooking and sleeping are allowed).(See Appendix A - this report.) Whether the new code has had any immediate effect of improving camp conditions is debatable. At one point during the recruitment season in 1969 a major user state reported that employer use of the Employment Agency's recruitment services were a third of what they were the year before when the revised code was not in effect.

The major problem with this type of code is the impossibility of enforcement. The State Agency can only deny its recruitment services; it cannot deny the grower the use of the camp. Thus, if a grower does not use the Employment agency his workers are not afforded the minimum protection of the Federal Government. State Employment Agencies often must rely on self-certification by the grower or inspections by other state agencies as to the condition of camps. Once certification is made and an order is sent for workers, a subsequent finding of noncompliance can only result in a cancellation of the order; it does not necessarily prevent the workers from coming anyway.

There is evidence that the regulations are putting some squeeze on growers with bad housing. Congressman Edward Hutchinson of Michigan's Fourth Congressional District took to the floor of the House of Representatives to tell the plight of his grower constituents:[9]

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[7] 20 C.F.R. 602 I, (d)

[8] 20 C.F.R. 620 (1969). Appendix of this report.

[9] Congressional Record, March 17, 1970, p. H1862.

> ...(M)igrant labor housing standards promulgated by the Department of Labor are being rigidly enforced in the fruit and vegetable-producing areas of southwestern Michigan. The unrealistic and impractical application of the standards, from the growers' point of view, has resulted in an organization intent on obtaining Federal aid in the construction of migrant housing. Their position is that if the Government requires housing for migrants beyond the financial ability of the grower to provide, the Government should bear a part of the burden.
>
> There is a growing opinion that the government seeks to discourage the use of migrant labor in the area, though such labor is presently essential to the harvesting of crops.
>
> A principal complaint of the growers is that they need to obtain individually and annually the housing permit required before they can utilize the services of the U.S. Employment Service in obtaining essential farm labor.
>
> A year ago I was asked to come to their assistance and I arranged to have a Labor Department official, armed with authority, go into the areas and there act upon individual applications.
>
> Today these growers are faced with the same problems they experienced last spring.

To keep things in perspective it is estimated that only a very small percentage of migrants are recruited through the U.S. Employment Service.

One positive aspect which can be attributed, at least in part, to Federal involvement in establishing migrant housing standards is the establishment on the state level of similar codes. As of 1962, 28 states had laws or mandatory regulations applicable to migrant camps.[10] Since that time additional states have established codes, while some of the 28 have strengthened theirs. The Federal code states that the standards outlined are "minimum standards used to determine whether conditions are so inadequate as to require the Bureau to withhold services generally made available upon request".[11] Many of the new codes passed in the states depart little from the Federal regulations --generally they have been copied verbatim or are less stringent.[12] These new regulations, minimal as they are, fill a vacuum which was before occupied only by ill-housed migrant workers.

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[10] Housing for Migrant Agricultural Workers, p. 5.

If these codes provided for decent housing, which they do not, rather than mere sanitary shelters and camp sites, in most instances they would still be ineffective. Unfortunately the codes are only as good as the enforcement authority and personnel behind them. Invariably the codes are enforced only in the most extreme circumstances. The most indicting statistics available are often published by the agency responsible for the enforcement. For example, the figures cited earlier in the report of the violations found in the camps in Florida showed that 6,236 violations went uncorrected and the camps were allowed to be operated. Part of the problem is one of under staffing in the agency assigned to conduct the inspections. But even if agencies were fully staffed there would be little more than gradual improvement unless these codes of minimum standards were strictly construed. Penalties for violations are minimal and it is a difficult thing to close a camp at the peak of the season, rendering large numbers of migrants shelterless and probably jobless, since no other housing is likely to exist in areas where farm labor is needed.

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11. 20 C.F.R. 620 I (d) (1969).

12. See Housing for Migrant Agricultural Workers, Appendix A, summaries of mandatory codes p. 30-100, and Migrant Research Project, Unpublished comparison of State Housing Codes, Colorado, Florida, Illinois, Michigan, Minnesota, and Ohio.

THE OFFICE OF ECONOMIC OPPORTUNITY

In 1964, Congress established the Office of Economic Opportunity and under Title III B of the act authorizes projects

(1) to meet the immediate needs of migrant and seasonal farm-workers and their families, such as day care for children, education, health services, improved housing and sanitation (including the provision and maintenance of emergency and temporary housing and sanitation facilities), legal advice and representation, and consumer training and counseling;

(2) to promote increased community acceptance of migrant and seasonal farmworkers and their families; and

(3) to equip unskilled migrant and seasonal farmworkers and members of their families as appropriate through education and training to meet the changing demands in agricultural employment brought about by technological advancement and to take advantage of opportunities available to improve their well-being and self-sufficiency by gaining regular or permanent employment or by participating in available Government training programs. (emphasis supplied).

The Migrant Division (III B) of OEO has attempted to meet the mandate to provide "improved housing and sanitation" by allocating an estimated 10 percent of its budget for housing purposes. Their housing role by and large is broken down into three categories: Self-Help Housing technical assistance, Housing services and Temporary housing.

Self-Help Housing

OEO grantees have served as the catalyst for most of the self-help housing built in the country since 1966, and the majority of this was done by III B grantees. The III B grantees' role is to organize families who qualify for self-help housing loans, assist them in making applications for credit and provide supervision (Technical assistance) in the actual construction of the houses. At least 75% of the money invested in housing by the Migrant Division goes for the establishment and operation of these projects.[13] Ironically, little of this housing is built by or for actual migrants. Mainly it reaches seasonal or full time farmworkers who don't migrate, or those few migrants who have "settled out" of the migrant stream and have found steady employment. Most of the money used to finance the building and purchase of the homes comes from Farmers Home Administration Self-Help Housing Loans.[14] From 1966, until March 31, 1970, (the Insured Loan Program came into effect in 1967, supplementing the Direct Loan Program, and completely replaced initial Direct Loans in 1969) 1,966 initial loans have been made (see Table X). (Prior to F.Y. 1966, 109 loans were made.) These loans, plus 198 "subsequent loans" (generally made to make up differences for cost estimates of construction and actual cost), totaled $15,804,210.

The Farmers Home Administration Self-Help Housing loans have been made in 33 states and Puerto Rico. To get a better idea of their distribution, it is important to point out that of 1,966 initial loans, 876 (45%) went to California, 201 (10%) went to Florida, and 154 (8%) went

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[13] The Rural Housing Alliance, "Farm Worker Housing: A brief review and analysis of current housing activities by the Migrant Division of OEO and a discussion of the Need to Develop a comprehensive plan relating to Farm Worker Housing", 1970, (unpublished).

[14] Section 502 of the Housing Act of 1949, (as amended).

TABLE X

NUMBER AND AMOUNT OF SELF-HELP HOUSING LOANS OBLIGATED BY FmHA BY STATE CUMULATIVE FROM INCEPTION THROUGH JUNE 30, 1970

	Number	Amount
Alabama	187	$1,388,730
Arizona	87	670,980
Arkansas	22	128,570
California	1087	9,227,870
Colorado	8	62,000
Florida	203	1,559,230
Georgia	6	40,500
Idaho	27	297,680
Indiana	1	9,900
Iowa	7	84,750
Kentucky	29	192,070
Louisiana	95	638,780
Maine	22	180,170
Vermont	21	231,910
Michigan	8	76,900
Mississippi	37	225,310
Maryland	5	69,220
New Jersey	40	317,150
New Mexico	81	528,110
New York	34	374,120
N. Carolina	42	284,590
Ohio	5	52,200
Oklahoma	35	290,190
Oregon	25	218,890
Pennsylvania	23	214,210
S. Carolina	36	268,460
Tennessee	9	81,660
Texas	32	102,550
Virginia	1	9,200
Washington	32	267,670
Wisconsin	8	110,350
Wyoming	5	50,000
Puerto Rico	29	113,020
Totals	2289	$18,336,940

Source: Rural Housing Alliance, *The Self-Help Reporter*, June 1970, updated with U.S.D.A. FmHA Report of Loan and Grant Obligations, 1970 Fiscal Year through June 30, Table 23.

to Alabama. Thus, nearly 63 percent of the Self-Help Housing loans made went to residents of three states.[15] Since housing needs of migrants are as great in other states, it is obvious that no overall successful strategy exists within the Migrant Division for encouraging extensive self-help housing activity by its grantees.

It must be emphasized that none of the Migrant Division's funds went for the actual construction of these homes. Migrant Division money has been used for organization and technical assistance. Even with this assistance, something less than 2,000 homes have been built for agricultural workers. Use of other Federal Programs available from Farmers Home Administration, such as "home rehabilitation" and especially "Farm Labor Housing" have been virtually ignored by the Migrant Division.

Housing Service

One function that the Migrant Division's grantees serve is to find or attempt to find suitable housing for migrants who decide to drop out of the stream and take part in a grantee's education and training programs, to seek permanent employment in the area, or for some other reason. For example, in Michigan, last year, approximately 420 migrant families managed to escape the migrant life. About two thirds of this number received assistance in trying to find housing from the Migrant Division's grantee, United Migrants for Opportunity, Inc. UMOI was funded for four full time employees just to provide this service. Their experience in finding housing has been, if not futile, at the very least, extremely frustrating. Available housing is nearly as bad as that in which the migrants were living before they decided to settle out.

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15. U.S. Department of Agriculture, Farmers Home Administration, "Report of loan and grant obligations, Fiscal year through June 30, "1966, 1967, 1968, 1969." "Report of loan and grant obligations 1970 fiscal year through March 31."

For example, a two bedroom apartment in the very worst section of Saginaw rented for $125 per month. The problem with a "housing services" approach is that, in most cases, a decent and adequate housing supply at a price ex-migrants can afford simply does not exist.[16]

Temporary Housing—California

It is essential to recognize that from the outset the Migrant Division has sought to deplete the migrant labor force by providing means for escape--for settling out--through education, Job Placement, and other means. Commendable though this may have seemed to the social minded administrators, too much stress on this aspect of the program has been at least a partial perversion of the law. A balanced program would have placed stress on serving those condemned to migrancy as well as opening doors for some of them to escape. As a result of the Migrant Division's approach, only in California is housing for migrants being constructed with OEO money, and there because of Congressional pressure. It is most unfortunate that in this single experiment to provide shelter for migrant farm workers, the Migrant Division did not attempt to establish a model of decent housing which could be followed in other States. Instead it has provided housing which, under the best circumstances, is shelter which is sanitary, yet which falls far short of what could be considered decent living. A fairly close look at the California experience therefore seems worthwhile.

In 1965 the California legislature adopted the California Migrant Master Plan which gave the California Office of Economic Opportunity the task of providing labor camps and assistance programs for migrants. To date 1,818 family units have been built at 21 Farm Labor Centers and 271 more units are projected by the end of this program year.[17] It is estimated that to meet the current demand for temporary housing some 5,500 units are needed. (See Appendix B, Table I.) Present expansion rate, however, is only 320 units per year.

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[16] Interview by telephone with James Shrift, Director, United Migrants for Opportunity, Inc., Mt. Pleasant, Michigan, May 8, 1970.

Migrant housing provided with OEO funds, Patterson, California.

The centers are generally sited outside or on the outskirts of rural communities. They vary from four to 17.9 acres in size and may be characterized as fenced compounds. About half are hooked up to municipal utilities while the remainder are self-sufficient with on-site water and sewage systems. Typically they have up to 100 shelters with sanitary facilities in each or with community bathhouses, a day care building and outside play area, as well as laundry facilities.

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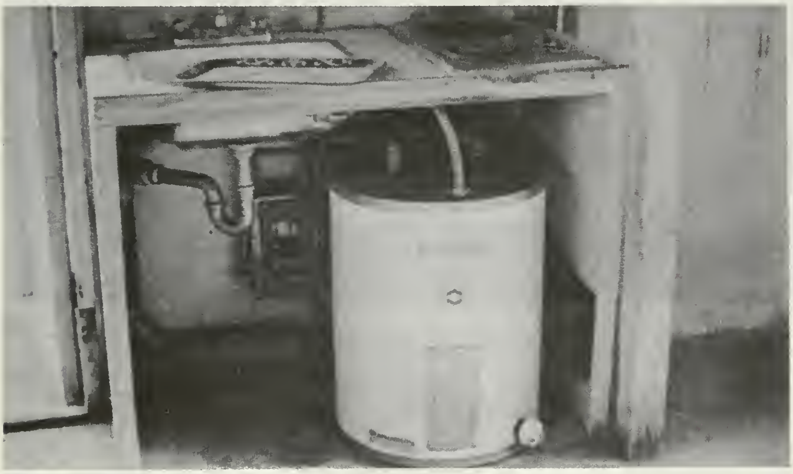
[17] Interview by telephone with V. Ralph Gunderson, Chief, Migrant Programs, State Office of Economic Opportunity, Sacramento, California, May 7, 1970.

The program began with a crash phase, on-the-spot planning and execution of sitework and construction. It is conceived of as a five-year experiment. Hence, sites have been made available by the local communities on short-term, renewable bases. The centers are by law open only for 180 day periods and, as temporary facilities, qualify for waiver of code requirements normally governing construction.

An objective of the Program is to undertake innovation in the use of materials and methods of construction. To this end, and given the relaxation of code constraints, a certain amount of experimentation has gone on in conjunction with just plain cutting corners.

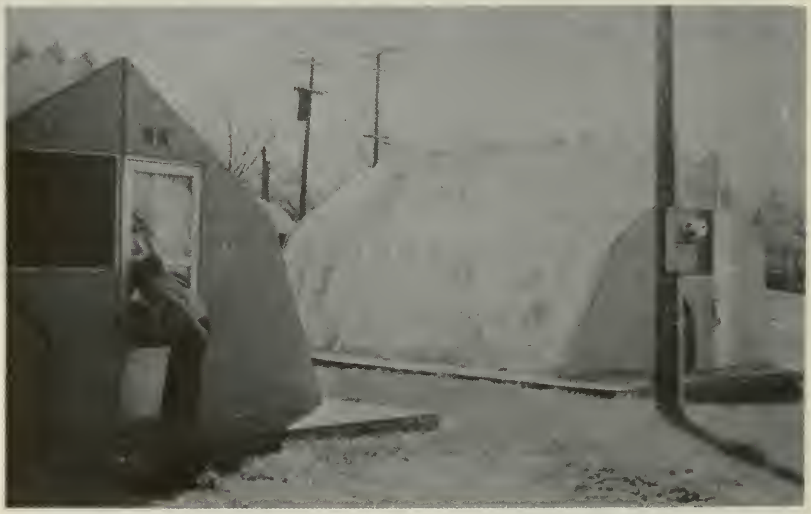
In this context all plumbing and electrical systems have relied altogether or in part upon plastic piping and conduit. Most dramatic has been



The "Kitchen" - Interior of shelter provided for migrants in Patterson, California.

the search for a low-cost shelter which resulted in the brief use of a polygonal unit, the Paradom, and for the balance of the crash phase of the program the Plydom, an oblong shelter made of Vinylized paper encaseing a polyurethane core.

Subsequently, with the conclusion of the emergency aspect of the program a more orderly evolution has been possible. Professional planning of sites and development of intermediate-term shelters have been pursued. Several centers located on the grounds of Public Housing Projects have their utility loops laid out in accord with master plans for future permanent housing.[18]



The Plydom, Empire, California - Built with OEO funds through the California Department of Human Resources Development. They are scheduled to be replaced this year. They lasted 2-5 years.

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[18] California Office of Economic Opportunity, H.C.D. Collaborative, Farm Labor Centers, 1968, p. 1.

The first 18 centers built before 1968 contained 1534 units and cost a total of $3,809,675.[19] The prorated cost per shelter for these units was $2,480. To date an estimated $5,750,000 of Migrant Division Funds have been spent for construction.[20] The Plydom, known as the "paper house", was the backbone of the initial stage of development. These units enclosed 314 square feet of living space and contained a sink and stove. Designed to last five years, most did not last that long, and all but a very few will be replaced by this year.

The shelters currently being constructed as replacement units are being built under contract to OEO by a private corporation.[21] Over 400 units will be built in a factory employing 24 men. A construction crew of six men can erect eight of these units a day on concrete slabs. The shelters enclose 480 square feet, contain two bedrooms and a kitchen-living area and use plywood on both the exterior and interior walls. All exterior walls are insulated. None of the units are wired nor are kitchen fixtures included, though will be added prior to occupancy. The price for this basic shell, set up on site, is $1518. The labor costs seem minimal--$65 for construction and $100 for set-up per unit. One disturbing aspect of this program was the decision by California OEO not to put bathrooms in the replacement units located in several counties. Upon discovery of this, several concerned groups[22] in Stanislaus County complained bitterly and a compromise was reached on the issue: sixty percent of the new units put up this year will now have individual bathrooms. It is incomprehensible that an agency designated to combat poverty would advocate the building of substandard housing designed to replace substandard housing.

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19. Ibid., p. 60, 61.

20. Interview, V. Ralph Gunderson.

21. MLW Corp., Riverbank, California.

22. Letter to Mr. Noel Klores, Director of Special Field Programs, OEO, Washington, D.C. and Mr. V. Ralph Gunderson, Chief, Migrant Services Division of Farm Labor Services Department of Human Resources, Sacramento, California from John P. Kelly, Edward L. Mattison, Armando A. Zavala, California Rural Legal Services, Modesto, California, Febru-

The construction of units used for expansion (as opposed to replacement) is being done by Production Training Corporation of Fresno, California, recently acquired by California OEO from the Rohr Corporation. These units have 448 square feet of floor space and contain two bedrooms and a kitchen-living area. The first 100 constructed under the direction of OEO had a materials cost of $1450 while the second 100 (presently under construction) have an estimated materials cost of $1250. The assigned cost for labor is an estimated $400. Also in the development stage is a unit containing 950 square feet of floor space which will have an estimated total cost of $5.50 per square foot.[23]

The camps themselves have a population ranging between 250 and 500 inhabitants. The major complaints against the camps are not much different from complaints heard about migrant camps in other parts of the country even though these are much cleaner and seem to have some sense of planning.

> In sum, these flaws have been found to be major impositions between the intent and achievement of the centers: Isolation and undesirable land; excessive population density, insufficient open space and intolerably small shelters; inadequate day care and educational facilities. There are innumerable less important deficiencies.[24]

Of particular consequence is the overcrowded condition of the camps. In 1968, the camps averaged eight acres per camp and had a population density of 60 persons per acre. ("The average American suburb is planned for 14 inhabitants per acre. An urban density of 100 persons per acre usually indicates three story construction on small parcels.")[25]

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ary 16, 1970.

[23] Interview, V. Ralph Gunderson.

[24] Farm Labor Centers, p. 13.

[25] Ibid., p. 10.

The Plydom units contained only 320 square feet of floor space and at present the largest unit used in the centers has only 480 square feet. Yet this is obviously inadequate when statistics for 1969 indicate that the average size of families occupying the centers was 5.3 persons. (See Appendix B) Occupancy in the Plydoms was limited to 6 people. Over 27 percent of the families in the camps consisted of more than six people. For those families, two units are generally provided. From November, 1968, through December, 1969, the camps served 2,618 families, but had to turn away 4,337 families (Appendix B).

Rents for the units range from 50 cents to $1.00 per day depending upon the type of unit and the furnishings included. For example, the Plydom rents for 50 cents per day; plywood units rent for 75 cents if they do not have toilets and $1.00 per day if the units have toilets.

Operation and maintenance costs at one point ran as high as $450 per unit per year.[26] This year these costs are budgeted at $1.80 per day for the 180-day operating period or a total of $324 per unit.[27] This figure should continue to drop as the Plydom units are replaced because they required a great deal of maintenance.

OEO's view that this type of housing only perpetuates the migrant stream and gives migrants no "economic opportunity", except to save them from paying exorbitant rents for worse facilities provided by the private sector, is superficially all too true. The fact that California law provides that the camps can only remain open for 180 days out of the year (this provision is sometimes waived when a determination is made that labor is needed for a longer period) clearly indicates that the camps operate as a subsidy to California's first industry, agri-business.

Considering the experience of the Farm Security Administration's Labor Camp Program, and the example it set so many years before, it is tragic that OEO should have lent itself to a program of bad housing for migrants. By doing so OEO avoided its obligation to give an "economic oppor-

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26. ibid., p. 46.

27. Interview, V. Ralph Gunderson.

tunity" to migrants. Beyond that, it avoided its obligation to do what is right. Admittedly under powerful political pressure from California, OEO could, and should, have provided migrant housing, however it also could have insisted that at least a good part of that housing be readily convertible into decent houses as the supply expanded. The Migrant Division could have made a major contribution to the "economic opportunity" of migrants by providing decent housing which was highly subsidized, in an attempt to stabilize migrant labor. As it stands, only the growers are happy: they can get their seasonal supply of labor. The resident farm workers see migrants getting "preferred" treatment and can justifiably ask, "Why?" Persons interested in seeing that all people have a decent place to live cannot be satisfied with an agency which provides small paper or plywood shelters, some without the basic amenities assumed essential for many years.

From the discussion above concerning the Migrant Division's housing program it is readily apparent that little, if any, overall planning has gone into viable solutions for one of the prime concerns of its constituency. This is especially true when one looks at the overall migrant program, where the projects are located and what emphasis each project places on housing.

Yet, all of these remarks must be taken in context with the fact that the Migrant Division, whose annual budgets were scheduled to rise quickly from $15 to $300 million, never rose above $33 million, or about $33 for each migrant and seasonal farm worker in the year of highest outlay--a miserable pittance. That alone guaranteed cheap "solutions", half measures, and inadequate planning. For this sorry situation, two Presidents and four Congresses must bear the basic blame. It is also obvious that the housing program--indeed, the entire program--of the Migrant Division suffers from the effects of the initial preconceptions on which OEO was organized and administered, to wit: That the Federal Government could not organize and administer programs to carry out the "war on poverty" as well as free enterprise or local imitations. So the Migrant Division staff has not only been always too small but was condemned to the task of channeling its funds through other organizations. Frequently it had to choose between no program or a poor sponsor with results which should surprise no one.

PART IV

The Farmers Home Administration Farm Labor Housing Loans and Grants

THE AGENCY

For 18 years, from 1943 until 1961, no Federal funds, and from 1947 until 1961, no federal program, existed to provide financial aid for the construction of migrant farm worker housing. Put in historical perspective, the labor housing program under the Farm Security Administration in the late 1930's and early 1940's was a resounding success. In 1961, when a growing concern for the still existent housing problem for farm workers resulted in a new program, Congress again turned to the Department of Agriculture and assigned the job of administering the new program to the Farmers Home Administration.

The Farmers Home Administration (FmHA) is an historical amalgamation of the remanents of old social dreams and hopes, the Resettlement Administration, the Tenant Farmers home ownership program, the Rural Rehabilitation program, the Farm Security Administration, plus a series of programs which it has been assigned, partly by design, largely because there is no other agency in government which was or is willing to assume responsibility for social service programs in rural America. It is a bureau of the U.S. Department of Agriculture and is virtually the only part of that Department which is not the humble servant of Agribusiness. Presently FmHA is the closest thing in existence to a Department ofRural Affairs, cramped as it is within the cocoon of Agri-business. It administers an aggregation of loan and grant programs, including 1. Individual Operating Loans to improve farm revenues; 2. Individual Real Estate Loans: Farm Ownership, Recreation, Soil and Water, Land Conservation and Development; 3. Community Services Programs: Watershed Protection Loans, Flood Prevention Loans, Cooperative Loans, Water and Sewer System Loans and Grants, and Resource Conservation and Development Loans; and 4. Rural Housing Programs: Loans for Home Construction, Purchase and Repair, Rental Housing and Labor Housing and Labor Housing and Self-Help Housing Technical assistance Grants.

The agency is more decentralized and reaches further into the "grass roots" than any other Federal Agency. Most of the authority for making loans lies with 1700 County Supervisors in rural counties throughout the country. Large loans, however, must be approved by the State Director or in some cases, as with Farm Labor Housing Grants, at the national level. Policy is set at the national level and state offices administer the program through the county offices.

The County Supervisor plays a vital role in the Labor Housing Grant and Loan process even though final decisions are made at a higher level.

> Despite the burden placed on organizational and group housing applicants to justify their own application, the technical nature of many of the projects contemplated and the need to meet the detailed requirements of the agency, requires substantial assistance from the County Supervisor in the development of the application if success is to be likely. Once the County Supervisor makes this investment, accompanied, perhaps, by technical assistance from higher levels in the agency, he is likely to be committed to the success of the application in a way which goes far in insuring its success. Conversely, if he is not involved, the prospects for success, particularly if similar expertise is not contributed from another source, are not usually very good.[1]

Also, involved in the decision making process is the County Committee, made up of three individuals, two of whom must be farmers at the time of their appointment. They review applications for loans and grants and must give them favorable recommendation prior to their approval or submission to the State Office.

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[1] Stanley Zimmerman, Legal Control of Government Benefit Programs, A Study of the Farmers Home Administration: N.Y.U. Law Library, New York University, 1968, p. II-40.

> The relationship between the County Supervisor and the Committee varies from county to county. Each committee member serves a three year term with a new appointment made each year by FmHA. The County Supervisor normally determines who is selected to the Committee (although the formal appointment is made at the state level after the State Director receives the recommendations made by the Supervisor). The Supervisor's long affiliation with FmHA and his knowledge of each individual applicant places him an a position of greater influence than any single member of the Committee. It appears that some County Supervisors view the Committee essentially as an advisory body assisting them in making the decision with some limited power to override his opinion in close cases. At the other extreme, some County Supervisors find their activities restricted to a great degree by recalcitrant County Committees.[2]

This then is the agency selected to administer two very small programs[3] hypothetically designed to solve the problems of farm labor housing in this country.

THE LEGISLATION

The Loan Program

In 1961, with the addition of Section 514 to Title V of the Housing Act of 1949, the Farmers Home Administration (FmHA) was authorized to make insured loans at 5 percent interest "to the owner of any farm, any association of farmers, any State or political subdivision thereof, or any public or private nonprofit organization for the purpose of providing housing and related facilities for domestic farm labor...." From the very beginning of the loan program some controversy existed as to whom the recipient of the loans should be. Secretary of Agriculture, Orville Freeman wrote:[4]

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[2] Ibid., p. II-16.

[3] Farm Labor Housing Loans and Grants made up just over five-tenths of one percent of the funds expended by the Farmers Home Administration in 1969.

> We suggest limiting these loans to associations, public bodies, or private nonprofit organizations as provision exists in the law to make farm labor housing loans to farmowners for the benefit of their tenants and laborers. Limiting these loans to nonprofit associations and public bodies would further insure that the benefits of this legislation would inure to the laborers for whose benefit the legislation is obviously designed.

The provisions existing in the law at that time for farmers (502 and 504) were not producing many units for farmworker use. An estimated 1000 new dwellings were constructed or existing dwellings were repaired for occupancy of tenants, farm laborers or others who were not owners of farms. An additional estimated 25 housing facilities for migrant laborers were financed with these loans.[5]

Within two years of enactment of section 514, it became very apparent that the loan program was not a sufficient incentive for farmers or organizations to jump into the farm labor housing field. In 1962, the first year of the program, only two loans were made; one to a farmer in the amount of $2,500 and one to an organization for $50,000. In 1963, eight loans were made; five to farmers totaling $31,010 and three to organizations, totaling $190,000. These were less than impressive results for the new legislation.

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4. U.S. Senate, in Hearings Before a Subcommittee of the Committee on Banking and Currency on S. 1127 and S. 1249. U.S. Senate, 87th Congress, 1st Session, May 31 and June 1, 1961, Letter to Honorable A. Willis Robertson, Chairman, Committee on Banking and Currency, p. 26.

5. Ibid., Mr. Floyd Higbee, Deputy Administrator, Farmers Home Administration, Supplemental statement, p. 35.

Expanding the Program

On March 1, 1963, Senate Bill 981 was introduced and referred to the Committee on Banking and Currency. This bill among other things, provided: (1) grants up to $1,000, or a combination of a grant and loan under Section 504, to a domestic farm laborer to make repairs or improvements to a dwelling occupied by him whether or not he owned it; (2) defined domestic farm laborer as a citizen of the United States receiving a substantial portion of his income as a laborer on farms situated in the United States; (3) insured loans to domestic farm labor to provide housing and related facilities; (4) provided for direct 4 percent loans to the owner of any farm, any association of farmers, any State or political subdivision thereof, or any public or private nonprofit organization, or to domestic farm labor to provide housing and related facilities; (5) stipulated that domestic farm labor be given an opportunity to purchase housing built by owners of any farm, any association of farmers, any State or political subdivision thereof, or any public or private nonprofit organization; and (6) Permitted grants of up to two-thirds of the cost of housing for domestic farm labor to any State or political subdivision thereof, public or private nonprofit organization, or association of farmers. The direct loans were to come from a revolving fund not exceeding $25 million and appropriations not to exceed $75 million would be authorized until the end of fiscal year 1968 for the grant program.

Hearings were held on the bill on October 15, 1963, and several Federal Agencies recommended various changes both by report and in testimony which affected the final outcome of the bill. Most of the major recommendations made by the Department of Agriculture eventually became law.[6]

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[6] See U.S. Senate, Hearing Before a Subcommittee of the Committee on Banking and Currency, on S. 9810, 88th Con-

Section 504 Loans and Grants for Home Rehabilitation

First the Department of Agriculture recommended that Section 504 loans and grants be restricted to "rural areas" commensurate with other FmHA loans and grants. In addition, they had misgivings about the soundness of making

> ...a loan or grant to a domestic farm laborer to repair or improve a dwelling occupied by him or his family for only a brief period during the year unless the building were used principally to house other domestic farm laborers during the rest of the year.[7]

To assure the latter they recommended[8]

> (t)hat assistance to domestic farm laborers under this subsection may be provided only to repair or improve a dwelling in a rural area occupied by the applicant or his family for a substantial portion of the year and only upon such conditions as the Secretary shall prescribe to assure that the major benefits of such assistance will accrue to the applicant and his family, or to the applicant and his family and other domestic farm laborers.

The Secretary of Labor favored the extension of the loan and grants to the non-rural areas, pointing out that many farm laborers reside in urban areas for at least part of the year.[9] His Under Secretary, John F. Henning, doubted

> ...the advisability of extending financing pro-

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gress, 1st session, Oct. 15, 1963.

[7] Ibid., p. 16, (Letter to Hon. A. Willis Robertson, Chairman, From Orville L. Freeman, Secretary of Agriculture).

[8] Ibid.

[9] Ibid., p. 20. (Letter to Hon. A. Willis Robertson, Chairman, From W. Willard Wirtz, Secretary of Labor).

> visions,...to persons who have no ownership control over the property to be improved. If tenants themselves can take on the responsibility for improving property, the owner of the property who will benefit in the long run from any improvements will have no incentive to do so. The tenant, on the other hand, would be incurring a long-term debt for the temporary use of improved housing and facilities. Accordingly, we strongly recommend that loans and grants to farm laborers be made only where the worker is the owner of the property.[10]

In the end, the Department of Labor's recommendation was followed as to ownership for Section 504 loans and the Department of Agriculture's view of limiting loans and grants to rural areas was adopted. As far as grants for improvements were concerned, it became a moot argument, for no appropriations have been made since 1964, even though the statutory authority exists.

Section 514 Loans for Farm Labor Housing

The Department of Agriculture (FmHA) opposed the amendment that would allow farm workers to receive insured loans under Section 514 for two reasons: first, a farm worker who owns land in rural areas *may* qualify for a loan under the existing Section 502 program; and second, the President and the Department of Agriculture had recommended and submitted to Congress a proposal to make insured loans for all rural housing. "Enactment of a broad insured loan program would be preferable to a piecemeal approach of authorizing such loans only to individuals who are domestic farm laborer."[11] Consequently, farm workers were not allowed to be the recipients of these loans under a program specifically designed to provide housing for their benefit.

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[10] *Ibid*., p. 42. (Statement of John F. Henning, Undersecretary, Department of Labor).

[11] *Ibid*., p. 17, (Letter from Secretary Freeman).

With respect to the proposed direct loan program, the Department of Agriculture opposed it on the ground that because of their lower interest rates (4% for direct as compared to 5% for insured,) the direct loan program would replace the insured loan program authorized under Section 514. It also reasoned that the direct loan program would "place the Farmers Home Administration in direct competition with other lenders because other credit likely would not be available to the applicant at such favorable terms,"[12] an apparently untenable position in our free enterprise system, a position which lies at the very base of the total housing shortage the country is currently facing. The Treasury Department felt it could live with the direct loan program if it provided "...that no financial assistance shall be extended unless financial assistance is not otherwise available on 'reasonable terms' rather than on terms 'equally as favorable'," and if, rather than a 4 percent interest rate, the interest rate should be set "...at a rate determined by the Secretary of Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the term of the loans."[13] The bill which was finally passed apparently took all of this advice and deleted the proposed direct loan program for farm labor housing altogether.

Section 516 Grants for Farm Labor Housing

The Department of Agriculture attempted to change Section 517(a) of S. 981 (this section became Section 516 of the Housing Act of 1949 as amended) which provided for grants of up to two-thirds of the cost to "any State or political subdivision thereof, public or private nonprofit organization or association of farmers" by narrowing it to "public agencies and nonprofit associations of domestic farm laborers".[14] They reasoned that

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[12] _Ibid._

[13] _Ibid._, p. 21 (Letter from Belin).

[14] _Ibid._, p. 17 (Letter from Secretary Freeman).

> (i)n our judgement it would be incompatible with the nature of the proposed...grant program to authorize grants to a profit organization, even an association of farmers. Moreover, unless perpetual dedication is to be required and enforced, with its attendant long-term costs, grants to any private organization, though nonprofit, would involve the possibility of ultimate financial benefit to the owners or members of the organization upon its dissolution and distribution of the assets. Accordingly, it is our view that no private organization should be made eligible for such grants except nonprofit associations of the intended beneficiaries of the program; namely, the domestic farm laborers.[15]

The compromise reached would seem to satisfy no one. Both associations of farmers and associations of farmworkers were excluded from eligibility. The legislation provides that a state or its political sub-division or public or private nonprofit organizations are eligible. It is most unfortunate that FmHA's recommendation that associations of farmworkers be eligible was not followed for had it been, the program would undoubtedly have provided much more decent housing. Five years after the enactment of the legislation FmHA still believed that private organizations should not be the recipients of grants, and by administrative fiat and completely ignoring the statute determined that grants would go only to public bodies.[16]

The last significant change that took place between the proposed bill and what actually became law was the definition of domestic farm labor. The proposed definition was "a citizen of the United States who receives a substantial portion (as determined by the Secretary) of his income as a laborer on a farm or farms situated in the United States." Prior to this the definition for domestic farm labor in use for purposes of the Section 514 insured loan program was essentially the same. However, the Department of Labor sought a change:[17]

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[15] Ibid.

[16] Letter to staff for Subcommittee on Migratory Labor, U.S. Senate, from James V. Smith, Administrator, Farmers Home Administration, December 16, 1969. Also FHA Instruction 444.6 (5-5-70) PN 204.

> We recommend that resident aliens be included in the definition of "domestic farm labor" for the purposes of agricultural housing programs. A large percentage of alien workers are, for all practical purposes, permanently attached to our farm labor force and should not be excluded from housing on the basis of non-citizenship.

They recommended that[18]

> the term "domestic farm labor" means a citizen of the United States or a worker who has legally entered the United States and has resided in this country for at least one year and who receives a substantial portion (as determined by the Secretary) of his income as a laborer on a farm or farms situated in the United States.

Congress went even further than Labor's recommendation by deleting the one year residency requirement. This provision would have allowed the housing built by these funds to be used by braceros had the bracero program not been defeated, however belated.[19]

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[17] Hearings Before a Subcommittee on Banking and Currency on S. 981, p. 20 (Letter from Secretary Wirtz).

[18] Ibid.

[19] Many Mexican nationals are still farm workers in the United States as "green carders", i.e. those holding resident alien visas. These visas require that the alien be employed and live in the United States for six months. Although many of the Mexican nationals abide by the regulations, many do not by commuting daily or less often across the border. It appears as though the Immigration and Nationalization Services condones this by defining residence as "employment". These "green card commuters" compete with U.S. farm labor for available jobs and definitely have an adverse effect on our domestic laborers'

The legislation that was passed[20] by Congress was essentially what the Farmers Home Administration wanted with the exception of the definition of farm labor and associations of farm laborers being eligible for Section 516 grants. The bill would, in FmHA's Administrators' words, "provide a tremendously effective farm labor housing program.[21]

THE REGULATIONS*

This subsection outlines, in some detail, eligibility requirements and the process through which applicants must go in order to receive a farm labor housing loan or grant or both. While the information it contains is extremely important (especially to the potential applicant), it is presented in as great a detail as it is to show that the application process is lengthy and complex. One can only surmise the number of potential applicants who have been discouraged by the process and consequently failed to apply.

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economic condition. Under the provision defining "domestic farm labor" which was passed by Congress, loan and grant funds can be used to provide housing for these commuters when they remain in the United States for short periods of time.

20. Housing Act of 1964, P.L. 88-560, September 2, 1964, 78 Stat. 769.

21. Hearings Before a Subcommittee on Banking and Currency on S. 981, (Testimony of FmHA, Administrator, Howard Bertsch), p. 31.

* Information for this section is taken verbatim or paraphrased from FHA Instruction 444.4 and 7CFR1822.61-1822.77 for the loan program and FHA Instruction 444.6 and 7CFR1822.201-1822.222 for the Grant Program.

IT SHOULD BE NOTED THAT THE DISCUSSION OF THE REGULATIONS AND APPLICATION PROCESS HERE INCLUDES BROAD-BASED PRIVATE NONPROFIT ORGANIZATIONS AS BEING ELIGIBLE FOR GRANTS IN SPITE OF THE FACT THAT FmHA HAS EXCLUDED THEM BY ISSUING NEW REGULATIONS ON MAY 5, 1970 WHICH DOES NOT MENTION THEM AS BEING ELIGIBLE AND DROPS ALL MENTION OF ANY ITEM IN THE REGULATIONS WHICH PERTAINS TO THEM. Broad-based private nonprofit organizations are included in the discussions here for several reasons. First, they were an important part of the program up until this year. Secondly, it is believed that the action by FmHA was arbitrary and capricious and therefore illegal.

Eligibility for Loans and Grants

To be eligible for a loan the applicant must be either a farmowner or an organization which will own the housing and related facilities, including the site, and operate them on a nonprofit basis.

In the case of an individual farmowner, he must show that he cannot provide the housing nor secure credit from other sources to supply it. He must show that he will be able to undertake the loan and has sufficient farming experience to reasonably assure the success of the operation. He must be a citizen of the United States and have the legal capacity to incur the obligation. If the labor to be housed is not to be used on the land of the applicant (either individual or organization) then an individual must be an established resident of the community and personally operate or supervise the operation.

An organization must have a mojority of its members and directors reside in the community. They must have had extensive and successful experience in providing farm labor in the area, unless it is an organization with a broadly based membership which will provide the labor housing as a community service. It must also have the approval of appropriate state officials of the applicant's operations, and be likely to continue to have such approval. Also it must be financially responsible and likely to succeed in the business of providing farm labor for others.

An organization must also show that it is unable to provide housing from its own resources, including the power to tax, assess or charge its members, and unable to obtain the necessary credit. It must have initial operating capital and sufficient income to meet operating expenses, capital replacements, payments on the loan and other debts, expenses, and the accumulation of reasonable reserves.

Eligible recipients of grants under Section 516 are states and their political subdivisions, and any public or private nonprofit organization with an assured life over a period of years sufficient to carry out the purposes of the grant (generally not less than 50 years). The applicant must be the owner, as opposed to a lessee, of the housing and the land at the time of the closing of the grant. Applicants must also have initial operating capital as described for organizations in the paragraph immediately above.

If the applicant is a private nonprofit organization, the members who own the controlling interest must live in the area where both the housing and the farms where the laborers work are located. It must have a large local membership which reflects varied interests in the community and be governed by a board of directors of not less than five members drawn from the community leaders. It must legally bind itself not to distribute any dividends or net earnings to its members or any private individual during the corporate lifetime. It must transfer its net assets to a nonprofit organization of a similar type or to a public body in event of dissolution. The transferee must continue to operate the housing for the use of domestic farm labor or for some other public purpose.

Loan and Grant Purposes

The loans and grants are to be used to construct or repair housing which may be single family units, apartments, dormitory type units, or multi-use facilities. Loans and grants may be used to improve the land on which the housing is located by landscaping, foundation plantings, seeding and sodding lawns, constructing walks, yard fences, parking areas, and driveways. Loans may not be used to purchase the site. Grants may be used to acquire the necessary land but not at a cost exceeding its unimproved market value. In addition to the actual housing, the loans and grants may be used to construct recreation areas and centers, central cooking and dining facilities, laundry facilities, essential equipment, which upon installation becomes a part of the real estate, small infirmaries for emergency care only, and fallout shelters. (From the latter two, one might assume that FmHA shows more concern about nuclear attack than from pesticide poisoning or industrial accidents.) The loans and grants may also be used to pay legal and architectural fees and other related costs of construction. Loans may be used to pay interest on the loan from date of closing until the estimated construction completion date.

Amount of Loans and Grants

Loans to individual growers may not exceed the value of the farm as improved by the loan less the unpaid principal balance and any past-due interest of any prior or junior liens that exist against the property after the loan is closed. Loans to organizations may not exceed the lesser of either the estimated depreciated replacement value of the housing and facilities financed with the loan or the actual cost to the applicant of the housing and facilities. In addition the market value of the completed housing and facilities must exceed the amount of the loan and the unpaid principal plus past-due interest of other liens that exist against the security.

Grants cannot exceed two-thirds of the total cost of the project, although the remaining one-third may come from a Section 514 loan.

The State Director examines the potential income of the project based on the approved rental charges and operating cost of the project when it is in full operation in order to determine whether the plan is financially sound. If there is any doubt as to the probable soundness due to unrealistic planning of income or operating expenses, or for other reasons, the project and its operation will be discussed with the applicant to determine changes which could be made to correct the deficiencies. Once a sound plan of operation is developed, the State Director determines the amount of funds which can possibly be obtained from other sources, including a Section 514 loan, taking into consideration the amount of income available for loan repayments after allowing for maintenance costs, payments on other debts, and the accumulation of reserves. An applicant is required to contribute the maximum amount possible from his own resources. Thus, income available and other resources must be used to reduce the size of the grant. The State Director establishes the amount of the grant to be made and instructs the County Supervisor to complete the development of the grant docket. The State Director's determination must be fully documented and becomes a part of the docket.

Some Limitations on Loans and Grants

Dockets for loans or grants which would exceed $500,000 cannot be developed without prior consent from the National Office. To obtain this consent, the following information must be furnished by the applicant: 1. Name and address; 2. assets; 3. a listing and status of all debts; 4. information on any interlocking memberships or boards of directors; 5. experience in operating farm labor housing; 6. proposed amount of applicant's financial contribution to the project, including any loan the applicant may be about to obtain; 7. a realistic estimate of future need for the housing; 8. a general discription of the housing planned; 9. evidence of need and the County Supervisor's evaluation; and 10. any other factors having a bearing on the need and financial soundness of the proposed housing.

Loans and grants may not be used for: construction of housing or related facilities which are elaborate or extravagant in design or material; refinancing debts; movable-type furnishings or equipment; the payment of any fees, charges, or commissions for the referral of a prospective applicant or solicitation of the loan; or the payment of fees, charges or commissions, etc., to the applicant or any officer, director, trustee, stockholder, member, or agent. Loans may not be used to purchase land.

Organizations (unless composed of individual farmowners) cannot require as a condition of occupancy of the housing that an occupant work on any particular farm, or for any particular owner or interest. When loans and grants are used to finance more than two units, the recipient may not discriminate in the use of the housing on the basis of race, color, creed, or national origin. (The requirement for more than two units was dropped as to units financed with grants in new regulations.)

Organizations receiving loans and grants must adopt a resolution which contains, among many other things, the policy and procedure of operation. The resolution authorizes FmHA to prescribe requirements regarding the housing and the operation of the project. These include: 1. That rentals charged will not exceed those set by FmHA after considering the income of the occupants and the necessary costs of operating and adequately maintaining the housing; 2. That the housing will be maintained at all times in a safe and sanitary condition in accordance with standards prescribed by State and local law, or as required by FmHA; 3. That absolute priority for occupancy will be given to farm labor at all times. Unless the FmHA gives prior consent, the organization may not use the housing for any purpose other than for low rent housing for farm workers. It may not contract to improve or extend the project which secures the loan and grant. The corporation cannot be voluntarily dissolved or consolidated or merged with another organization, nor can it transfer title to the property in any manner. In addition it cannot enter into any other type of new business.

Financing Rates and Terms

The interest rate for loans is five percent per year on the unpaid balance (for applications from public bodies filed prior to October 16, 1969 and obligated prior to July 1, 1970, the interest rate is four percent per year). Loans are scheduled for payment in installments within a period not exceeding 33 years. The period is determined by considering the probable depreciation of the security. The borrower is required to refinance the loan if the FmHA determines that he is able to obtain a loan from responsible cooperative or private credit sources at reasonable rates and terms.

If the borrower's income or other resources are deficient, smaller than regular payments of principal or no payments of principal may be provided for the first and second installment dates. Interest accruing to February 1st of the next year after the calendar year in which the loan is closed must be paid at the first installment date, and the full year's accrued interest must be paid at the second installment date.

As a condition of receiving a grant, the recipient must obligate itself to abide by the conditions established by the grant agreement for 50 years unless otherwise agreed upon. If any condition of the grant is breached, FmHA may, at its option, require repayment of the full amount of the grant plus interest at the rate of five percent per year after the default. The obligation to repay the grant in case of a breach must be secured by a mortgage on the housing or other security as provided for in the loan program.

All loans made through the loan program must be secured. In the case of a loan to an individual farmer, a real estate mortgage must be given for the entire farm. For loans to organizations which can do so, a mortgage must be given on the real estate, including the housing, related facilities and the site. If a first mortgage cannot be obtained, a junior mortgage is acceptable if such security does not jeopardize FmHA's position or the borrower's ability to pay the loan. Other security agreements, such as a mortgage on other property, liens on personal property, pledges, assignments and others, are acceptable in certain cases. It is a general policy that personal liability will be required of the members of an organization which does not have a numerous, broadly based membership.

Technical and Other Services

In cases requiring extensive legal services for which loan funds will be used, and in all cases involving grants, the applicant must have a written contract for such services. The contract, which should include the services to be performed, the amount of the fee and the payment schedule, is reviewable by FmHA prior to execution.

Architectural services are required for construction costs in excess of $50,000 unless prior consent is given by the National Office. Architectural services are required whenever a grant is involved. In the case of grants and when loan funds are to be used to pay architectural fees, a written contract is required. This contract must be approved by FmHA prior to execution. The contract must include the amount of the fee and the services to be given such as preliminary and final planning; furnishing of sketches; drawings, specifications, and cost estimates; assisting in preparing and soliciting construction bids; analyzing bids; preparing and awarding construction contracts; preparing change orders; exercising supervision during construction; and certification of all payments for work performed.

The State Director determines the minimum amount of insurance that the applicant must carry. The project must have fire and extended coverage on all buildings essential to the successful operation of the project. Workmen's Compensation Insurance must be carried for all employees. In addition, the applicant will be advised, and in some cases required, to carry liability insurance.

Surety bonds are required when loans result in construction in excess of $20,000. Organizations must provide fidelity bonds for persons entrusted with the receipt and disbursement of funds and the custody of any property.

Construction and Development Policies

Construction financed with Section 514 loans must be done by qualified builders whenever possible. The applicant, the applicant's officers or directors, or a member of an applicant which is a closely held corporation, cannot bid on the job. In the event that borrower construction is necessary or desirable, the borrower or its members, directors, or officers, may not receive any profits from the loan funds except in the case of members who are not officers or directors in a broadly based organization.

When construction is financed by a grant it is subject to the Davis-Bacon Act requiring that prevailing wages be paid to labor.

The planning, constructing, zoning, and operation of the housing must conform with applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, and health sanitation.

Application and Process for Loans and Grants

For loans to individual farmers, an application involves a complete financial statement and inventory of owned and leased property. It also includes the type and amount of crops grown. A "Farm and Home Plan" must also accompany the application which details cash flow for farming and personal operations, crop yields per acre and a schedule of improvements, among other things.

An application for a loan from an organization is in the form of a letter to the County Supervisor stating the purpose of the loan, the estimated amount of the loan, the manner in which it will be secured and repaid, and any previous experience in operating farm labor housing. In addition, the following exhibits must be furnished: a dated financial statement; evidence of the inability to obtain credit elsewhere; a proposed operating budget showing anticipated income and expenses for a typical year of operation; a plot plan and preliminary plans and specifications for the housing and related facilities (these must include building layout, type of construction, number and type of rental units, estimate of cost, and evidence of compliance with State and local health regulations); a preliminary survey of the area to determine the need and probable demand for labor housing; information on neighborhood and existing facilities, such as distance to shopping area, schools, neighborhood chruches, available transportation and other essential services; information on topography, drainage, sanitation, and water supply, and a reference to any known problems related to these items; a statement on the amount, purpose, and method of providing capital to cover preliminary expenses and initial operation expenses; and an accurate citation to the specific provisions of State law under which the applicant is organized; a copy of the applicant's existing or proposed charter or articles of incorporation, by-laws, and other basic organization documents; the names and addresses of the applicant's principal members and of its directors and officers; and, if a member is another organization, its name, address, and principal business.

In addition to the information immediately above, applicants for grants must furnish a statement explaining why housing cannot be provided without a grant, the customary tenure arrangements and rental charges to laborers and contribution by growers, and the method of operation and management practices. The letter of application for the grant must include the purpose for the grant, the amount the applicant is able to furnish, the estimated amount of the grant needed, the manner of securing debts the applicant has or will incur, previous experience in operating farm labor housing, and the authorized representative of the applicant.

All of this information makes up the preliminary docket which is reviewed by the County Supervisor. If it appears that the applicant is eligible and a sound loan or grant can be made, the docket along with the Supervisor's comments and recommendations and any other materials is sent to the State Director. The County Supervisor must include his own views on the financial position, income, occupation, and background of the members, directors, and officers. In the case of a loan to a closely held corporation, a current financial statement must be furnished by each director and from each member who holds a substantial interest in the corporation.

The State Director reviews the docket and if it is for a loan to an organization or for a grant, it is submitted with any comments or questions he may have to the Office of General Counsel. The Office of General Counsel renders its opinion as to whether the applicant and the proposed loan or grant can meet the requirements of State law and FmHA Regulations. The State Director then makes a thorough study of the docket, preliminary plans and specifications. He attaches his comments to the docket, pointing out any deficiencies in the plans and suggestions for improvements for the applicant's consideration when obtaining detailed plans and specifications and cost estimates. After determining that the applicant is eligible and what rents are to be charged the docket is returned to the County Supervisor with further instructions.

At this point, the organization-applicant must provide very detailed information. This includes: 1. Detailed plans, specifications, and cost estimates; 2. A detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, on-site improvements, and architectural, engineering, and legal services. It should show other items not covered in the loan or grant such as furnishings and equipment; 3. Approval of the housing by the applicable State and local officials; 4. A detailed survey showing the need for domestic farm labor housing on the individual farm or in the area. This information should indicate the names of farmers using farm labor; the number of laborers used per month by each; the estimated number of laborers who will likely use the housing; and the rental levels in the area for comparable housing, if available, and rents currently being charged farm laborers for housing; 5. Additional evidence which may be required of efforts made and inability to obtain credit from other sources; 6. A description and justification of any related facilities; 7. A statement giving the location of other essential facilities that will be available in the community, such as doctors, dentists, hospitals, churches, shopping center, barber shops, beauty shops, and recreational facilities; 8. A schedule of rental rates proposed for the housing and any separate charges for the use of related facilities; 9. Proposed detailed operating budgets, both for the first year and for a typical year; 10. A statement in narrative form outlining the plan for management of the proposed housing; 11. A statement of policy regarding occupancy, including a copy of the proposed lease agreement and any rules and regulations governing occupancy; 12. If the loan is secured by a junior mortgage, agreements with prior lienholders and information concerning prior mortgages must be furnished.

As this information is being developed, the County Supervisor is supposed to work closely with the applicant and review the information furnished for accuracy and completeness. He should also evaluate the manner in which the applicant plans to conduct its business and financial affairs, and include his comments on the adequacy of the management. In addition, he must prepare a statement explaining and supporting the basis for expecting a continued effective demand for labor housing, commenting specifically on the rate of mechanization of the farming operations, the likelihood of shifts to crops requiring less labor, and other factors tending to displace farm laborers.

The County Committee considers all the pertinent information concerning the applicant and the proposed housing, and has the opportunity to talk to the applicant if the Committee so desires. In order for the loan to be approved, the Committee must certify that it favors the loan or grant.

The final docket is prepared at this point. Some of the information is reduced to standard forms although much of it consists of the evidence produced by the applicant as discussed above. It can be easily imagined that the final docket is no small stack of papers. It is then submitted to the State Office along with additional comments of the County Supervisor and the County Committee. The State Director prepares a memorandum to the County Supervisor either requiring additional information or setting forth the conditions of loan or grant approval. The State Director cannot approve the loan or grant if it is to an organization, or if the amount of the loan plus unpaid principal and past-due interest of any other liens on real estate of the applicant would exceed $60,000 or if the proposed loan together with unpaid principal of any other FmHA loans of the applicant would exceed $60,000, unless he has prior consent from the National Office.

Farm labor housing financed with FmHA loan and grant at Dimmit, Texas

RESULTS OF THE PROGRAM

Funds

That any loans and grants have been made under the procedures outlined above probably is indicative of the dire need for farm labor housing and the stamina and ingenuity of the applicants and an often overworked FmHA county staff. But loans and grants have been made--173 all together--

TABLE XI

APPROPRIATIONS MADE BY CONGRESS FOR FARM LABOR HOUSING INSURED LOANS, FUNDS ACTUALLY OBLIGATED BY FmHA, BY FISCAL YEAR 1962-1969

Fiscal Year	Obligational Authority Approved by Congress	Approved Obligational Authority Actually Used By FmHA		Number of Loans Insured
		Amount	Percent	
1962	$ 1,000,000	$ 52,500	5	2
1963	1,000,000	221,450	22	8
1964	3,000,000	884,300	30	8
1965	6,000,000	47,480	0.8	11
1966	9,000,000	3,465,840	33	22
1967	10,000,000	3,818,360	33	26
1968	15,000,000	4,494,620	33	31
1969	15,000,000	3,530,910	24	28
TOTALS	$60,000,000	$15,575,460	25.8	136

Source: Jim Hightower, "Farmers Home Administration Farm Labor Housing: Missing The Mark, "National Rural Housing Conference, June 9-12, 1969, Background Paper No. 10, Appendix B. (Updated with U.S. Department of Agriculture, Farmers Home Administration, "Report of Loan and Grant Obligations, 1969, Fiscal Year Through June 30," Table 10).

totalling $28,254,050. (See Table XIV for distribution by state.) This money was used to build or repair, over 4,146 units for families and 3,307 units for individuals. Unfortunately, this accounts for only a very small percentage of what is needed.

TABLE XII

APPROPRIATIONS APPROVED BY CONGRESS FOR FARM LABOR HOUSING GRANTS AND FUNDS ACTUALLY OBLIGATED BY FmHA BY FISCAL YEAR, 1966-1970*

Fiscal year	Appropriations Approved By Congress (Does not Include Carry over)	Appropriations Actuall Spent by FmHA	
		Amount	Percent
1966	$ 3,000,000	$ 2,156,320	72
1967	3,000,000	1,789,140	60
1968	3,500,000	2,700,290	77
1969	4,250,000	5,003,500	117
1970*	2,500,000	423,270	17
Totals	$16,250,000	$12,072,520	74
(Carry over	4,177,480)		

Source: Annual U.S. Budgets and FmHA, "Report of Loan and Grant Obligations for Fiscal Year through June 30," 1966, 1967, 1968, 1969, and "1970 Fiscal year through March 31, 1970."

*F.Y. 1970--3/4 year, through March 31, 1970.

Up through F.Y. 1969, funds appropriated for the loan program far exceeded the actual expenditures. Of the $60,000,000 that Congress had authorized FmHA to obligate for loans, only $15,515,460 (26 percent) was so expended. (See Table XI.) The grant program did better--of $16,250,000 authorized to be given for grants, $12,072,520 (74 percent) was obligated (See Table XII).

With such a great need for improved farm labor housing in the country, it seems inconceivable that all of the money appropriated cannot be spent.

Officials at FmHA explain that their agency responds to the demand that comes into their offices--if the demand is small, FmHA's response is small. They point out that demand does not come from the farmworkers, but from growers, associations of growers, governmental bodies, and nonprofit organizations. "Under the law, the laborer himself is not a customer of ours," says an FmHA official. "Our customers are

> those who are willing to take responsibility for housing farm workers." (emphasis added).[22]

Herein lies one of the major flaws of the present program--if eligible applicants are not motivated to apply for loans and grants, the money lies idle and FmHA believes it can do nothing more than to reduce the next years appropriation request. The legislation placed the decision making power as to whether to build farm labor housing in the hands of local individuals (farmers) and organizations (Farmers associations, nonprofit bodies, and local communities) and excluded farm workers, as a group, from the process. Thus, if there is no local initiative, the farm workers must suffer. The Farm Security Administration Labor Camp Program assumed the responsibility for meeting the needs of hired farm labor within the funds available. It undertook to ascertain the need, administer, and subsidize the housing it constructed. It did not depend upon the initiative of local institutions. For that single reason, it was better able to serve the needs of the farm workers.

Even though FmHA claims that it is meeting the demand from its "consumers" for farm labor housing, the number of applications for assistance it has received compared to the number of loans and grants made clearly indicate that a large number of applicants who desired to take advantage of the program did not for one reason or another. From the inception of the program, of 498 applications received, 292 (60 percent) were either rejected by FmHA or withdrawn by the applicant. (For a breakdown by state of applications received and loans and grants made, see Table XIII.)

Where the Funds Have Gone—by State

Improved farm labor housing is needed in all states where migrants or farm workers are employed. Loans have been

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[22] Jim Hightower, "Farmers Home Administration and Farm-Labor Housing: Missing the Mark," Background Paper Num-

TABLE XIII

NUMBER OF LOAN AND GRANT APPLICATIONS RECEIVED, REJECTED AND ON HAND, FROM INCEPTION OF THE FmHA LABOR HOUSING PROGRAMS TO MARCH 31, 1970

State	Applications Received	Loans and Grants Made	Applications Withdrawn or Rejected	Application on Hand
Alabama	11	8	3	0
Arkansas	16	5	10	1
California	43	16	21	6
Colorado	10	3	7	0
Florida	55	25	26	4
Georgia	3	2	1	0
Idaho	33	12	16	5
Illinois	5	5	0	0
Indiana	4	2	2	0
Kansas	7	1	6	0
Louisiana	15	6	8	1
Maine	11	6	3	2
Maryland	6	1	5	0
Michigan	14	1	11	2
Minnesota	3	2	1	0
Mississippi	26	12	14	0
Missouri	3	2	1	0
New Jersey	23	8	14	1
New York	19	3	12	4
North Carolina	22	7	15	0
North Dakota	9	6	2	1
Ohio	11	3	7	1
Oklahoma	3	1	2	0
Oregon	9	3	6	0
South Carolina	8	1	7	0
South Dakota	8	1	6	1
Tennessee	1	1	0	0
Texas	27	11	15	1
Vermont	2	1	0	1
Virginia	12	4	8	0
Washington	17	6	11	0
West Virginia	1	1	0	0
Wisconsin	15	6	8	1
Utah	7	0	6	1
Puerto Rico	1	0	0	1
Nebraska	3	0	2	1
Massachusetts	4	0	4	0
Connecticut	2	0	2	0
Delaware	1	0	1	0
Pennsylvania	12	0	12	0
Arizona	9	0	9	0
Montana	4	0	4	0
New Mexico	2	0	2	0
Wyoming	1	0	1	0
Totals	498	172	292	34

Source: U.S. Department of Agriculture, Farmers Home Administration, "Monthly Report of the Farmers Home Administration," June, 1962, 1964, 1965, 1966, 1967, 1968, 1969, and March, 1970.

made in 33 states and grants have been made in eight states. (See Table XIV.) The geographic distribution in terms of size of loans and grants, the numbers of units built or repaired, and the farm worker population bear only minimal relation to the overall need. Of the 173 loans and grants made since the beginning of the program, Florida has received 51 percent of the money, California, 23 percent, and Texas 9 percent. These three states then, have received 88 percent of all the grant funds and 79 percent of all the loan funds. Of the 4,146 family units built, 1,996 (49 percent) are in Florida, 843 (20 percent) in California, 412 (10 percent) in Idaho, and 363 (9 percent) in Texas. Units used to house 1,643 individual farm workers have been built in Florida, making up 50 percent of the total built in the United States.

Farm labor housing financed with FmHA loan, Lake Worth, Florida.

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ber 10, Nat'l Rural Housing Conference, Airlie House, Warrenton, Virginia, June 9-12, 1969, p. 7.

TABLE XIV

LABOR HOUSING LOANS AND GRANTS APPROVED

CUMULATIVE AS OF MARCH 31, 1970

State	Loans		Grants		Housing for	
	Number	Amount	Number	Amount	Families	Individuals
Alabama	8	$ 123,150			6	122
Arkansas	5	20,590			5	
California	8	2,779,540	8	$3,776,900	843	
Colorado	2	264,400	1	244,960	66	32
Florida	18	8,640,220	7	5,799,750	1996	1,643
Georgia	2	22,000			3	
Idaho	10	1,009,070	2	489,570	412	104
Illinois	3	158,550	2	210,000	46	
Indiana	2	42,000			19	
Kansas	1	77,500			20	
Louisiana	6	153,840			20	
Maine	6	55,500			7	
Maryland	1	10,110			24	
Michigan	1	10,300			4	
Minnesota	2	20,590			2	
Mississippi	12	362,250			47	
Missouri	2	16,530			2	
New Jersey	8	35,300			4	89
New York	3	91,000			6	855
N. Carolina	7	44,550			5	98
N. Dakota	6	61,380			5	2
Ohio	3	59,210			34	36
Oklahoma	1	2,500				1
Oregon	1	156,850	2	260,300	85	90
S. Carolina	1	7,420				30
S. Dakota	1	10,500			1	
Tennessee	1	19,900				
Texas	8	1,327,200	3	1,102,040	363	21
Vermont	1	15,500			1	
Virginia	4	28,670			3	16
Washington	5	475,960	1	198,000	111	140
W. Virginia	1	14,500				28
Wisconsin	7	64,950			6	
Total	147	$16,181,530	26	$12,072,520	4146	3307

Source: U.S. Department of Agriculture; Farmers Home Administration "Labor Housing Loans and Grants Approved Cumulative as of December 31, 1969." Updated with FmHA: "Report of Loan and Grant Obligations 1970 Fiscal Year through March 31."

That Texas, California and Florida have the largest migrant and seasonal farm worker populations offers some explanation of he large share of funds going to those states. However, the three states ranking immediately behind them--Michigan, Arizona and Oregon--have received a substantially smaller portion of funds. Since the inception of the program, Michigan has received one loan for $10,110 which built 4 family units, Arizona has received no funds and Oregon has received one loan for $156,850 and two grants totalling $260,300 which built 85 family units and additional units for 90 individuals.

Clearly, the amounts of money expended thus far are insufficient. Even in Florida and California, where most of the program funds have been spent, the surface has only been scratched.[23]

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[23] Of passing interest is the dialogue that took place between Howard Bertsch, then the Administrator of FmHA, and Senator Holland of Florida, during the 1969 appropriations hearings.

Mr. Bertsch: The budget contains a request for $5 million for grants for farm labor housing, which is in addition to $.7 million more than the amount available in 1968.

Senator Holland: Are we more interested in proper housing for those who labor than we are in proper housing for those who own the farms, and are eking out a bare existence on them?

Mr. Bertsch: We are concerned, of course, with proper housing for all Americans, and for both these groups. Probably the worst housing provided any group, anyplace, in the United States can be found in the housing utilized by farm laborers.

Senator Holland: That is certainly true somewhere. It is not true in many parts of my own State. They are housed, and I am glad they are housed, better than the poorer farmers in the nonprosperous areas of my State, where they are producing crops that they probably ought not to be producing at this time, but they have been doing it for centuries, and they just can't seem to get anything else. And it is certainly not true that the migrant laborers in my State are more poorly housed than many, many, of the small farmers in my State. Of course, they don't operate in the same areas

TABLE XV

DOLLARS LOANED AND GRANTED THROUGH FmHA LABOR HOUSING PROGRAM PER MIGRANT AND SEASONAL FARMWORKERS BY STATE FROM INCEPTION TO MARCH 31, 1970

(Population based on Counties with 100 or more Migrant or Seasonal Farmworkers, reported in U.S. Senate, "The Migratory Farm Labor Problem in the United States; 1969 Report, "Subcommittee on Migratory Labor, 91st Congress, 1st Session, Appendix A.)

State	$ Per Migrant and Seasonal Farmworker	State	$ Per Migrant and Seasonal Farmworker
1. Florida	85.35	17. Tennessee	7.42
2. Idaho	74.46	18. South Dakota	5.34
3. Mississippi	58.35	19. New York	3.10
4. California	37.02	20. Indiana	2.92
5. Maine	27.07	21. Virginia	2.81
6. Colorado	26.29	22. Wisconsin	2.81
7. Louisiana	23.76	23. Minnesota	2.49
8. Alabama	22.88	24. Arkansas	2.47
9. Washington	21.00	25. New Jersey	2.32
10.Illinois	18.88	26. Maryland	2.18
11.Georgia	16.62	27. Ohio	1.81
12.Kansas	15.69*	28. Missouri	1.79
13.West Virginia	10.37	29. North Carolina	1.69
14.Texas	10.13	30. South Carolina	.67
15.North Dakota	10.00	31. Oklahoma	.14
16.Oregon	9.46	32. Michigan	.10

* Recipient of Loan reports that it was not received (Vermont not included since there is no Migrant or Seasonal Farmworker population reported for that state.)

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of the State, now. Let's understand that.

Mr. Bertsch: A substantial amount, Mr. Chairman, of the funds that we have invested in our farm labor housing program has been invested in the State of Florida, simply because it is one of the heavy users of migratory farm labor. (Hearings Before the Senate Committee on Appropriations, "Department of Agriculture and Related Agencies Appropriations," H.R. 16913, 90th Congress, 2nd Session. F.Y. 1969, p. 1027.

Table XV indicates how each state ranked in terms of dollars loaned or granted under the FmHA Labor Housing Program per migrant and seasonal farm worker in the state. More than anything, it shows just how little is being spent under the loan and grant program to house farm workers. With such small expenditures devoted to housing farm workers under this "major" program, it is little wonder that they live in such squalor. There are an estimated 1,000,000 migrant and seasonal farm workers. A very low estimate of the number of families engaged in migrant work can be derived by dividing the total by 5, thus 200,000 families. Assuming all of these "families" need at least one improved house (again a low estimate), and the cost of one improved house is $10,000, it would take at least $2 billion to house them. That is the enormity of the problem.

Who in the States Get the Funds

Loans to Farmers

The number of loans made to individual farmers for farm labor housing is about the same as the number of loans and grants made to organizations. However, the latter has far outweighed the former in the amount of money received. By the end of Fiscal Year 1969, approximately $27 million was obligated through the loan and grant program. Of this amount, $1,162,280 was loaned to individual farmers to build or repair 316 units for families and additional units to house 480 individual farm workers.[24] The cost of these family units averaged $3,226 per unit, ranging from a low $421 per unit for 24 units in Maryland to $15,500 for one

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It should be noted, however, for accuracy's sake, that Florida does not have 51 percent of the migrants and seasonal farmworkers, even though it received that amount of loan and grant funds.

[24] U.S. Department of Agriculture, Farmers Home Administration, "Labor Housing Loan and Grants Approved Cumulative June 30, 1969," (unpublished).

unit in New Jersey.[25] The cost of housing used for individuals (generally dormitory type) averaged $383 for each individual housed, ranging from a low of $36 for 120 individuals in Washington to $5,960 for two individuals in North Dakota.[26] Loans to individual farmers have accounted for such little housing in the nine years of the program's existence as to be almost inconsequential. Of the 316 family units built by farmers using Section 514 loan money about 117 (37 percent) were built in stream states.[27] Their average cost was about $200 less per unit than the national average of family units built by farmers with loan funds. Housing for individual farm workers (as opposed to family housing) in stream states accounted for 74 percent of that type built by farmers. Its average cost per individual housed was $225 as compared to the national average of $383 for farmer built-housing for individuals.[28]

Loans and Grants to Organizations

$26,021,640 was loaned and granted to organizations, associations, or public bodies to repair or construct over 3,800 family units and other units to house over 1,100 individuals.[29] The cost of the family units in these projects ranged from a low of $379 per unit for 45 units in Owyhee County, Idaho, to a high of $11,228 per unit for 100 units in Kern County, California, and averaged $6,480 per unit throughout the country.[30] The cost of housing for individual workers (dormitories, etc.) averaged $121 per individual, ranging from a low of $91 per individual in a project in Cayuga County, New York, which housed 744 individuals, to a high of $957 per individual in a project in Geneva County, Alabama, housing 92 individuals.[31] Per unit cost for family housing in stream states averaged about $4,500 as compared to $6,400 nationwide. The average cost for individual workers' housing is somewhat higher in the stream states than nationwide. Nearly all of the units for individual farm workers provided by organizations were built in states in the Eastern Stream (North Carolina and New York).[32]

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[25] Ibid., Averages include housing built or repaired from only those loans which provide family housing only or housing for individuals only.

[26] Ibid.

[27] Ibid.

[28] Ibid.

[29] Ibid.

[30] Ibid.

Of the 16 organizations receiving grants, ten have been public bodies (Public Housing Authorities) and six have been "broadly based" private nonprofit organizations. All together 26 grants have been made. Ten of them were subsequent grants to organizations which had previously received grant funds. (See Table XVI for yearly breakdown.) In most cases, if not all, the supplemental grant was used not to finance additional houses, but to supplement the previous grant.

Effects of Grants on the Program

There can be little doubt that the grant program has stimulated the use of loans. Of the total amount of funds loaned from the inception of the program, $11,684,230 (72 percent) has gone to the 16 organizations which have received grants. These 16 organizations have received over 83 percent of the total funds under the Labor Housing program. Ostensibly, grants are to be used to lower rents, because the size of the required loan, which is repaid from rental income, is reduced. What has happened in most cases is that the money borrowed per unit has remained about the same and grant funds were used to provide higher

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31. Ibid.

32. Ibid.

TABLE XVI

NUMBER AND AMOUNT OF GRANTS OBLIGATED BY YEAR, UNDER FmHA FARM LABOR HOUSING PROGRAM

GRANTS OBLIGATED TO PUBLIC BODIES

Fiscal Year	Total Number	Initial Grants Number	Initial Grants Amount	Subsequent Grants Number	Subsequent Grants Amount
1966	4	4	$2,156,320	0	0
1967	4	1	1,000,000	0	0
1968	5	2	2,266,940	1	179,850
1969	10	3	1,689,880	4	2,878,840
1970*	3	0	0	3	423,270
Totals	26	10	$7,113,140	8	$3,481,960

GRANTS OBLIGATED TO PRIVATE NON-PROFIT ORGANIZATIONS

Fiscal Year	Initial Grants Number	Initial Grants Amount	Subsequent Grants Number	Subsequent Grants Amount
1966	0	0	0	0
1967	3	$789,140	0	0
1968	1	150,000	1	103,500
1969	2	374,780	1	60,000
1970*	0	0	0	0
	6	$1,313,920	2	$163,500

Source: U.S. Department of Agriculture, Farmers Home Administration, "Report of Loans and Grants Obligated for Fiscal Year Through June 30, 1966, 1967, 1968, 1969" and "1970 Fiscal Year through March 31, 1970."

* F.Y. 1970--3/4 Year, through March 31, 1970.

cost housing.[33]

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[33] The average per unit costs in projects built by organizations which constructed or repaired only family housing are as follows: Per unit cost when organization received only a loan--$3,605; Per unit cost when organization received both a loan and grant--$7,552 of which $3,847 was borrowed.

Restrictions on the Grant Program

When the legislation was passed authorizing FmHA to make grants of up to two-thirds of the cost of a rental project to public bodies and nonprofit organizations, there was some hope among those concerned about the welfare of farm workers that much of their housing needs might finally be met. With the aid of hindsight it is relatively easy to see why those hopes did not materialize.

First of all, FmHA does not often make a grant to an organization for the full amount authorized by the statute. From the very beginning of the grant program it looked like another "government give-away program" to conservative congressmen. What occurred in the appropriations committee is a clear example of how a few congressmen can subvert the intention of legislation passed by the entire Congress. The House of Representative's Appropriations Committee in authorizing the programs' first appropriations reported:[34]

> The committee has agreed to an appropriation of $2,000,000 [$5,000,000 was asked for by FmHA] for the coming year to enable the Department to undertake this new program on an experimental basis. It recognizes the serious shortage of farm labor to do 'tedious' and 'stoop' work on the Nation's farms. It feels, however, that no funds should be provided to any applicant in excess of 50 percent of the development costs and that grants should be limited strictly to nonprofit associations or public bodies of a similar nature. Grants to individuals or private organizations must not be permitted. The Committee recognizes that, unless this program is kept under very close supervision, it could result in the use of Federal funds for the benefit of private land owners. (Emphasis supplied.)

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[34] U.S. House of Representatives, "H.R. Report No. 364", 98th Congress, 1st Session, May 29, 1965, p. 40.

The Senate Appropriations Committee used a softer approach:[35]

> The Committee recommends an appropriation of 5 million for rural housing for domestic farm labor. This is a new program authorized by Public Law 88-560, under Section 516 of the Housing Act of 1949, as amended. Under this program, low-rent housing for domestic farm laborers will be extended to State or political subdivisions or to public or private non-profit organizations to assist them in providing housing and related facilities to be used by domestic farm laborers. It is anticipated that applicants will be able to furnish about 50 percent of the development costs of such housing. (Emphasis supplied).

The Conference Report did not raise the subject.[36]

> Amendment No. 44 - Rural Housing for Domestic Farm Labor: Appropriates $3,000,000 instead of $2,000,000 as proposed by the House and $5,000,000 proposed by the Senate.

Grants made to the 16 organizations have ranged from 40 percent to 66 2/3 percent of the project costs. Only three projects received grants for the full two-thirds of cost, and only one of them received that in the form of a single grant. That the House Appropriation Committee's influence has had effect is evidenced by the fact that five of the 16 organizations received grants of 50 percent, and six had grants of less than 50 percent. Of the five projects with grants exceeding 50 percent, four of them received subsequent grants which accounted for their high percentage.

It appears to be FmHA's policy to limit grants below the 50 percent level and to give subsequent grants if the project requires it. It does not seem reasonable that many organizations, eigher public or private, would undertake a project knowing that it might be economically unfeasible unless a subsequent grant could be obtained at some future and unknown date. By giving a full two-thirds grant instead of a one-half grant, the monthly rental in a typical camp could be reduced from $5.00 to $10.00 per unit. In many cases that small amount might make the difference in the decision of whether or not to build. One County Supervisor from California, in response to a questionnaire sent by the Rural Housing Alliance, offered the following information:

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[35] U.S. Senate, "S. Report No. 423", 89th Congress, 1st Session, July 6, 1965, p. 35.

[36] U.S. House of Representatives, "H.R. Report No. 1186", p. 11.

> The...Housing Authority has been in contact with me and they may file an application. They have taken the project under consideration. The 50%-50% loan and grant our Washington office is requesting may stop all of our Labor Housing loans and grants here in California due to cost of construction. I assume availability of funds is the factor for the 50-50. Presently, two applications (one approved and the other hopefully approved any day) are on two-thirds grant and one-third loan. (Emphasis supplied.)

More than any other single problem with the program, the shallowness of the subsidy accounts for its lack of success. A grant (subsidy) is limited by statute to two-thirds of the total cost of a project and FmHA has decreased it further by attempting to follow the House Appropriations Committee's language of limiting grants at the 50 percent level. Rents which farm workers are able to afford do not provide projects with sufficient income for operating and maintenance expenses plus the repayment of a loan for part of the capital costs. This is especially true for projects which serve migrants who only occupy the housing on a seasonal basis. This will be demonstrated later in this study with some examples.

A lesson can be learned from current public housing programs where

> (h)istorically, the fixed annual contribution has been limited to amounts required to cover debt service on the capital cost of the project, with the local authority covering other project expenses out of rental income. In recent years, however, it has become apparent that a subsidy limited to debt service requirements is not suf-

> ficient to assure the low-rent character of projects located in some of our larger metropolitan areas.[37]

In other words, some housing authorities are in financial difficulty even with a 100 percent subsidy of capital costs, and these projects are occupied on a year-round basis. That labor housing projects with high vacancy rates and only a 50 percent subsidy of capital costs have financial problems is no wonder.

New Restrictions on Eligibility for Grants

On May 5, 1970, FmHA issued new instructions regulating labor housing grants. The new instructions define eligible applicant organizations as "a State agency, or political subdivision, or an agency of State or local government such as a public housing authority."[38] This means, of course, that private nonprofit organizations are no longer considered as eligible applicants by FmHA despite statutory language to the contrary.

It is apparent that the policy of excluding private nonprofit organizations may have been in effect some time before the new instructions were issued since no nonprofit organizations received grant funds in F.Y. 1970. In a letter dated December 16, 1969, FmHA Administrator, James V. Smith, stated his reasons:[39]

> We have made several labor housing loans and

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[37] U.S. Senate, "Report of the Committee on Banking and Currency to Accompany S. 2864," 91st Congress, 1st Session, 1969.

[38] FHA Instruction 444.6, III D, 5-5-70, PN 204.

[39] Letter to Staff of U.S. Senate Subcommittee on Migratory Labor, from James V. Smith, Administrator, Farmers Home Administration, U.S. Department of Agriculture, December 16, 1969.

> grants to broadly based nonprofit organizations to provide rental housing as a community service. Our experience in those cases has not been satisfactory. The reasons are primarily because the growers who are members of the organization and employers of the laborers living in the housing have not assumed adequate responsibility for the successful operation of the project or payment of debts even though they benefit from having the housing available in their area. This may be due to the fact that when a grant is involved, the organization must provide the housing as a public service, which means that occupants of the housing are free to work on any farm in the neighborhood. Grower-members of the organization cannot restrict use of the housing to laborers who will work only on their farms. Another is that when a grant is involved, the members do not acquire ownership of the property when they repay the loan.
>
> * * *
>
> Based on our experience and the fact that only a few million dollars of labor housing grant funds are available for the current fiscal year, we have limited these grants to public bodies.

At the outset of the grant program the question was raised as to exactly what type of nonprofit organization would be eligible for the grant. The House Appropriations Committee did not clarify the matter when it stated "...that grants should be limited strictly to nonprofit associations or public bodies of a similar nature. Grants to individuals or private organizations must not be permitted."[40] In November 1965, the General Counsel at the Department of Agriculture rendered an opinion as to the eligibility of grant recipients (this opinion was attached to the letter, quoted above from Administrator Smith, as "background information"). After tracing the legislative history, the opinion stated who was eligible:[41]

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[40] See note 34, above.

[41] John C. Bagwell, General Counsel, U.S. Department of Agriculture, "Opinion of General Counsel No. 136," November 30, 1965.

> ...(A) nonprofit corporation which (a) has a large local membership reflecting a variety of interests in the community, (b) is governed by a board of directors drawn from the community leadership, (c) is legally precluded from distributing the dividends to its members during its corporate lifetime and in the event of its dissolution, (d) is pledged to administer the domestic farm labor housing as a community service in the interest of the whole community, and (e) is prohibited from requiring employment on any particular farm or farms as a condition of occupancy of the housing.
>
> Such a corporation may for certain purposes be a private nonprofit organization in the sense that it is organized and operated by private persons acting in their private capacities. Yet in every other aspect, such a corporation may correctly be described as a public nonprofit organization. Any incidental benefits accruing to persons who are members and are also employers of farm labor would be no greater or more direct than they would derive from housing owned and operated by a local government agency or to a nonprofit organization owned and controlled by a State or local government agency.

In light of this opinion and the reasons given by Administrator Smith for the change, it appears that consideration for program integrity came in a distant second to a budget conscious administration.[42] Rather than insist that

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42. FmHA's reasoning takes the easy way out of a bad situation. That grower members of a "broad-based" nonprofit organization have "not assumed adequate responsibility for the successful operation of the project" should be inconsequential if the organization were set up as outlined in Department of Agriculture's General Counsel's opinion, i.e., a truly broad-based organization--one that included not only growers and community leadership, but also a balance of farm worker tenants and farm worker leaders. It would seem that any unsatisfactory experience that FmHA has had in the past stemmed from an imbalance in the makeup of the organization plus the fact that the grant itself

nonprofit organizations be truly booad-based, thus diminishing the control of unresponsible growers, FmHA ruled out "nonprofits" altogether and in the process saved money by further restricting the use of the program.

SOME EXAMPLES OF PROJECTS

By examining the experiences of several projects the problems discussed above can be more clearly demonstrated. The projects selected for discussion are illustrative and not necessarily representative of all farm labor housing projects. Undoubtedly some of the problems faced by them are faced by others and likewise the extent to which they may be successful is probably not unique. They were chosen mainly because the personnel involved indicated a willingness to cooperate with the study (which may make them unique, though by no means were all projects contacted personally).

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was so small as to make successful management a virtual impossibility. But certainly not because it was a nonprofit organization per se. Although the amount of funds appropriated by Congress for the grant program was considerably smaller than that requested ($5.7 million requested and $2.5 million appropriated) FmHA had about $3.7 million available (including carry over from F.Y. 1969) for F.Y. 1970. Only in 1969 did FmHA obligate more than this amount. Latest statistics (U.S. Department of Agriculture, Farmers Home Administration, "Report of Loan and Grant Obligations, 1970 Fiscal Year Through June 30, 1970, Table 10.) show that even the $2.5 million which was appropriated was not obligated, not to mention the carry over. Only eight grants were made, all but two of which were subsequent grants. The eight totaled $2,133,770.

Background and Need—Stanislaus County, California

Stanislaus County, California, located in the northern part of the San Joaquin Valley, like its neighboring counties to the North and South, is basically an agricultural area. Its largest city, Modesto, with a population exceeding 100,000 people, reflects an agri-business orientation, with its huge packing and processing sheds, fertilizer outlets and warehouses. The Department of Agriculture estimates that approximately 3,000 migrant farm workers and members of their families move into the county each year to harvest grapes, nuts, and tree fruits. Another 1,000 workers and their families call the county their home.[43] Many people talked to in the county thought these official figures represent a serious underestimate.

Bridge leading into Modesto, California. A migrant family was found camping on this site the previous night. They were without food and money.

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[43] U.S. Senate, Subcommittee on Migratory Labor, "The

There appears to be a growing awareness in parts of the county that the housing problem is fast approaching the crisis stage. The vacancy rate for housing in the county is estimated at one percent and over 20 percent of the housing was considered either dilapidated or deteriorated in the 1960 census.[44]

The Stanislaus County Tenant's Rights Association is actively engaged in an organization campaign to improve the condition and availability of housing for low-income people in the county. They have taken many photographs of the poor housing in the county. The quotation that follows is a description of some of these photographs, made by Joe Johnson, President of the Association.

> Grayson, California
>
> This house, again, is in very bad shape. There are 10 in this family. This family comes from Texas. We talked to one of the little girls. She says this house is owned by M. C. and that they pay (she thinks) $50 per month, plus utilities. There are no screens on these windows. The screens that are here aren't screens anymore, they're fish nets. There are windows missing, replaced by plastic sheets or pieces of boards. The inside of this house is deplorable. The smell of gas leaking out of the water heater greets you as you come in. The walls on the inside are about to collapse. There are holes and cracks. On the ceiling some sheet rock is coming unnailed. In the makeshift shower the faucets also leak, leaving the floor (cement) a pool of water all the time. The house also leaks in places. The yard of this house is full of cans and broken bottles. There is also an old car

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Migratory Labor Problem in the United States: 1969 Report." 91st Congress, 1st Session, February 19, 1969, p. 116.

[44] Elinor Blake, Unpublished background paper on housing activities in Stanislaus County, California, Stanislaus County Community Action Commission, Inc., Modesto, California, p. 1 and 7.

> in the back yard making it unsafe for the children. This car has broken glass all over the place.
>
> Mr. G. C. lives in this small two room house where he pays $35 plus utilities. Mr. C. lives on $88 per month. Mr. C. states that better housing is needed, but that if the landlords repair them they, the renters, will be forced to pay more for the houses. And some people like him are not able to pay what the landlord would require after repairs have been made. In the inside of the house, the floors are bare. There is also no closet. The back door is in need of fixing. There is no glass on it and it's covered by cardboards. There is glass missing on some windows, also. The three burner stove is connected by a rubber hose from the outside in a makeshift room. The back of this is covered by a piece of canvas. The toilet is held by two screws and is broken and glued with black tar.
>
> Ceres, California
>
> Houses that are included in the contract for ranch hands are usually run down, but for fear of losing their job the ranch hand must accept what is given him, which is never very much. But a man's fear can force him to put up with some of the most adverse conditions imaginable.
>
> Butler's Camp
>
> This family can find no housing in or around Modesto, so they live in their car. The family has three children, the oldest being about 10, the youngest about two years.

In many parts of the country the problem of providing housing for farm labor will ease as the farm labor force is reduced by mechanization (it then becomes a problem of solving the housing problem of rural unemployed). Yet in California, especially, a significant reduction is a long way off. At least two grower's associations in Stanislaus County predict a need for more labor in the next few years.[45] As mechanization replaces the need for hand labor in some crops, other crops may very well be cultivated to utilize labor surplus and create new demands. Therefore the need for housing for farm workers will remain great.

Farm Labor Housing Project—Stanislaus County, California

The Stanislaus County Housing Authority has attempted to meet some of the need for low income housing by operating a total of 895 units.

> Of these, 240 are migrant housing occupied only from May to October, 237 are farm labor housing. 198 are leased housing, and 320 conventional low-rent housing. An additional 150 units of leased housing were authorized by H.U.D. in November 1969, and should be completed eight months from that time; authorization for 50 more is expected in July 1970.
>
> The vacancy rate for leased and low-rent housing during the first eleven months of 1969 averaged just under ten units per month. However, there are currently 350 applications on file at the Housing Authority office...; about 1,000 applications are received each year. It is necessary to contact the Authority every two months in order to keep an application current. (The Director) believes that the number of current applications represents only a portion of those families who are eligible, as many families are unaware of the program and others are discouraged from applying by the length of the waiting list.[46]

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45. Interviews, David Zollinger, Freestone Peach Grower's Association, Modesto, California, March 20, 1970, and Ray Codoni, President, Growers Harvesting Committee, Keyes, California, March 24, 1970.

46. Blake, p. 3.

The Authority's farm labor housing is located at four different sites in the County. Empire, just east of Modesto, is the site for temporary migrant housing. It had 85 Plydom type units, now replaced with new plywood shelters (see page 61). The camp also has a day care center.

Farmers Home Administration Funded Housing (Farm Labor Housing Loan and Grant) in Ceres, California. Rent--$55/mo. plus utilities.

The 125 units built with an FmHA labor housing loan and grant are located at Ceres, Patterson and Westley. The Ceres and Westley sites were originally Farm Security Administration labor camps and the apartments and cottages built 30 years ago are still in use. Patterson and Westley also have temporary housing for migrant labor.

The FmHA units were completed in 1968 and took about two years to develop. They cost $1.4 million, half of which came from a Section 516 grant and the other half from a Section 514 loan. All of the units have 3 bedrooms and are constructed of cement blocks. These rent for $55 a month plus utilities--meaning about $80 a month outlay for housing by each tenant. A $25 deposit is also required to move in. Rents for the older housing range from

$41 to $47 a month.[47]

The camp at Ceres is in the community, across the street from a school. It is shaded and has a pleasant appearance. At Westley the camp accounts for most of the population of the community. As a whole, the town is little more than a crossroads which dissects the large, flat, cultivated fields. The camp at Patterson is quite segregated from the rest of the town. It is located about a mile from the center of the community, across the railroad tracks, making it rather inaccessable. Even within the camp, there are three distinct areas: one for the older housing, one for the 60 units built with FmHA funds, and one for the temporary housing for migrant workers.

The Director of the Housing Authority, Walter Thompson, stated that the Authority encouraged the formation of tenant's councils at the various sites but there did not seem to be much interest. Tenants at the Westley site do have their voices heard on some matters though. They petitioned the Authority to install street lights in the project and this was done. Also the tenants at Westley and Patterson are seeking to have the projects named "Hillview" and "Walnut Acres", respectively. Lawyers with the California Rural Legal Assistance office in Modesto, however, feel that the Authority's efforts in forming Tenant's Councils is less than sincere. They believe that the eviction of one tenant who tried to organize his fellow tenants has had a chilling effect on subsequent efforts of organization. (At the same time the tenant was attempting to organize he was evicted on the grounds that he had become a gardener and was no longer employed as a farm laborer.)

Background and Need—Othello and Royal City, Washington

In Central Washington, the shortage of decent housing for a growing farm worker population is similar, if not even more critical, than in Stanislaus County, California. On the "Royal Slope" in Southern Grant and Adams Counties, the Columbia Basin Reclamation Project over the past 15 years has brought into production thousands of acres of land that was previously desert. Labor was desperately needed to produce the new crops of sugar beets and to harvest the hay, potatoes, and alfalfa. Some of the growers, in the early 1960's, seem to have understood that inefficiency on the job was related to the discomforts and illnesses resulting from poor housing or camping out, including the lack of adequate sanitary facilities.[48]

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[47] Interview, Walter Thompson, Director, Stanislaus County Housing Authority, March 20, 1970.

West of Othello 30 miles, the town of Royal City has a hard time living up to its name. The town's population is approximately 1,000 and growing. In recent years, a bank, drug store, restaurant and other stores have been added along its main street, and a new school has been constructed on the outskirts of town. It lacks the processing plants and larger retail outlets that neighboring Othello has. Many of the town's residents live in house trailers. The people in the town expressed a pride in its growth and had the spirit of the frontier, for indeed, Royal City is on the frontier. Hired farm labor is a relatively new thing in the area as irrigation has only recently made farming economically feasible. Consequently, structures which could be used to house farm laborers were nonexistent until the housing project was built.

Farm Labor Housing Project—Othello, Washington

About 60 growers were initially interested in forming a labor center in Othello. In 1964, seven or eight of them incorporated and applied to FmHA for a farm labor housing loan. A loan of $190,000 was received and construction started in June of 1965. The camp began operation in April, 1966, with units for 50 families and 20 bachelors. In 1966 a subsequent loan was received for 20 additional family units. Fifty of the units contain 660 square feet of space and are used to house up to eight people. They rent for $70 a month, plus utilities. The 20 bachelor units rent for $45 a month plus utilities and are actually efficiency apartments. They are misnamed in that they often house couples, often with a small child. The efficiency apartments are the most popular, not because of their size, but because of their lower rent.

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[48] Interview, O.S. Kenfield, Manager, Othello Farm Labor Camp, Othello, Washington, March 26, 1970.

Efficiency Apartments at labor camp in Othello, Washington. Financed by FmHA farm labor housing loan. Unit contains kitchenette, bath and living room-bedroom combination. The unit these men are entering is occupied by a man, his wife and infant child.

Originally, each unit was individually metered for gas and electricity, but because of delays in billing and a high turnover of tenants many bills were going unpaid by the users. This problem was solved by installing a master meter for the entire camp and billing the tenants by the size of their units. Prior to this, bills averaged about $26 a month. Because of the cheaper rates for bulk use, monthly charges have been reduced significantly. Now during the winter months occupants are charged $14, $12, and $10 respectively for gas. In the summer the charge is one-third that amount. Electirc bills average about

$2 a month.[49] Therefore, the total cost for shelter and utilities ranges from $57 to $86 in winter months to $50 to $77 in summer months.

Interior of kitchen at labor camp in Othello, Washington. Financed completely with Farmers Home Administration farm labor housing loan.

When the camp began operation, the population changed about four times each year. Now it turns over twice a year, with each group staying about six months. In the summer and autumn months the workers harvest crops. In the other months, another group works in local processing plants or is on welfare. The vacancy rate is extremely low. For 1967-69, it was 8 percent, 14 percent, and 11 percent respectively. Collection losses are also low. In 1968, 2.4 percent, and in 1969, 2.2 percent of the rent was lost because of non-payment. When a tenant leaves without paying, his account is turned over to a credit bureau which has been able to recover about 19 percent of total losses.

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[49] Ibid.

The credit bureau retains one-half of all that it recovers.[50]

The camp itself is rather unattractive, although much better than that provided by growers in other parts of the country or what the workers would be able to find elsewhere. The buildings are aligned in rows and look like very cheap motels. The roadways and walkways are gravel, resulting in a great deal of dust. A few small trees have been planted. The camp is located outside the city limits, about two miles from town along with what is obviously Othello's slum. An estimated 2,000 people live in this area, known as the "other side of the ditch" (referring to an irrigation canal) in wretched houses. The city does not provide water or sewage services to the area.

A small laundromat is located in the building which also houses the manager's office. The laundry facilities were not financed with loan funds. The project also has some furniture available, which is provided to families who need it.

Farm Labor Housing Project—Royal City, Washington

The development of the farm labor housing project took several years.[51] The original outreach came from the state office of FmHA. Several growers in the area were interested in the grant program but FmHA required a broader based organization before it would give a grant. Consequently the idea of a farm labor housing project in Royal City almost died aborning. But with the persistence of a few in the original group, the organization met FmHA's requirement of a nine man board, five of whom had to be businessmen from the community, and became the Royal Slope Farm Labor Housing Corporation. It was somewhat disconcerting to the farmers to have "city people" in control of the corporation, but the requirement was accepted and the project was started. It was decided by the organization that year-around housing was needed to retain a dependable labor force. There was some discord within the community concerning the building of what was believed might become a slum. What was built is a pleasant subdivivion, consisting of 13 structures overlooking the town from the side of a hill. The project was opened for occupancy in the spring of 1970. Farmers Home Administration provided a loan of $200,000 and a grant of $198,000 which built 37 family units and an office. The units are undoubtedly among the best in the country of those provided solely for the use of farm laborers. Partially because of this, the rents that must be charged are also among the highest of any farm labor project under this program.

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[50] Ibid.

[51] Information on the development of the Royal Slope Farm Labor Housing Project was gathered at a meeting attended by the writer; Sam Porch, Manager of the project and ex-mayor of Royal City; Hugo Van Bendenhuesen, President of the corporation and a farmer; Abe Haugen, Director, and local merchant; Mrs. Frank Cobb, Treasurer; and

Migrants move in at Royal City Labor Camp, Royal City, Washington.

Douglas Gilson, Seattle, Washington, and from an interview

Eight one-bedroom units have 524 square feet and rent for $65 a month. The 17 two-bedroom units have 658 square feet and rent for $75 a month. The 12 three-bedroom units contain 882 square feet and rent for $85 a month. Utilities are not included in the rent. The management believes, however, that electricity is so cheap in this locale that, even with electric heat (which these units have), the cost will not be much of an "extra" burden on the tenants.

Labor camp--Royal City, Washington. Financed with FmHA labor housing loan and grant.

With such high rents there was some fear among the incorporators that the project would not be fully occupied. To counteract the consequences that might develop should farmers start providing housing for their workers at lower rents, "user agreements" were signed by 39 farmers. Eighteen of them were members of the corporation and agreed to

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with Robert Wiley, County Supervisor, Farmers Home Administration, Royal City, Washington, March 25, 1970.

TABLE XVII

DISTRIBUTION OF COSTS OF FmHA FARM LABOR HOUSING PROJECTS IN ROYAL CITY, WASHINGTON, AND GRANADA, COLORADO

	Royal City, Washington	Granada, Colorado
Building Construction	71%	72%
Land Acquisition	1%	0
Administration and Contingency	2%	1%
Architectural and Legal Fees	5%	7%
Utilities	6%	19%
Site Development	11%	.2%
Taxes	3%	0
Other (Insurance and Bonds)	0	1%

Source: Robert Wiley, Country Supervisor, Farmers Home Administration, Royal City, Washington, and Prowers County Farm Labor Housing, Grananda, Colorado.

employ nine tenants of the project full time. Twenty-one nonmembers agreed to employ 16 tenants full time. Other members and nonmembers agreed to employ 12 tenants for eight months and 15 tenants for six months. To counteract problems that would arise from a long period of vacancy in the beginning, FmHA has agreed to allow non-agricultural workers to rent on the condition that they vacate if the housing is needed by agricultural workers. In addition, FmHA has allowed a two year deferment on payment of any principal owed on the loan.

The Cost of Projects Built With Grant Funds

The 16 projects built utilizing Section 516 grant funds have ranged in cost from $360,000 for 44 units in Illinois to $4,385,500 for 632 units in Palm Beach County, Florida. By far, construction costs account for most of the outlay. Other items, such as land acquisition, utilities installation, and site development can vary greatly. Table XVII gives a breakdown of the costs of the projects in Royal City, Washington, ($398,000 total cost) and Granada, Colorado ($502,000 total cost).

Construction costs may be higher when grant funds are utilized since Section 516 requires that contractor's pay prevailing wage rates in accordance with the Davis-Bacon Act.[52] It is believed by officials at FmHA that this requirement raises the cost of projects from 12 to 15 percent above what it would be if prevailing wages were not paid.[53]

The Cost of Operating and Maintaining Projects

When total operating expenses are added to the amount required to repay the loan, the income that must be generated often makes a project economically not feasible. They are made feasible by charging exhorbitant rent. The projects discussed above are examples of this. Total average operation and maintenance expenses per unit per month in those projects are as follows: Othello, $28.09; Royal City $25.10; and Stanislaus County, $40.90. (See Table XVII.) The largest single expense of the three projects is wages. Other expenses vary considerably. Utilities account for a large amount when paid for by the project (as opposed to payment directly by the tenant). Taxes, insurance and bonding is also generally a major expense. Expenses for repairs generally are not, at least initially, great unless the project has older buildings such as in Othello and Stanislaus County.

With the exception of the Othello project which has a longer operating record, variation in debt repayment figures in Table XVIII somewhat distort the true picture. In the case of the Stanislaus County project, no payment on the loan was made in 1969. Thus, the average of 13 percent is lower than it would be in a typical year. (The budget figures for 1970 indicate that total operation and maintenance expenditures will be 68 percent of the total

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52. Housing Act of 1964, § 503 (a), P.L. 88-560, 78 Stat. 769, 797, 798.

53. Interview, Louis Malotky, Director, Rural Housing Loan Division, Farmers Home Administration, February 25, 1970.

TABLE XVIII

COMPARISON OF AVERAGE INCOME AND EXPENSES OF SELECTED FmHA FARM LABOR HOUSING PROJECTS

(Dollars Per Unit Per Month)

Item Income	Othello, Washington Av. $ per unit per month [1]	% of total av. income	Prowers Co., Colorado Av. $ per unit per month[2]
Rent schedule	$62.22		$60.00
Interest	.08		
Other	.10		1.05
Less Vacancy	13.07		40.56
Less Collection Loss	-----		.21
Total Income	$49.33	100%	$20.28
OPERATION & MAINTENANCE			
Wages	$13.19	27%	5.02
Office Expenses	1.73	3%	.48
Taxes, Insurance, Bonds	6.03	12%	4.69
Fees (Accounting, Legal)	.67	1%	.56
Director Travel & Expense	.03	-0-	.15
Repair to Facilities and Equipment	3.31	7%	1.09
Power Machinery & Equipment Hire		-0-	.06
Misc. Equipment & Supplies	1.77	4%	.26
Oil & Gas	.99	2%	--
FICA			.38
Other (Utilities)	.39	1%	6.40
Total Operation & Maintenance	$28.09	57%	$19.09
Capital Improvements	2.68	5%	-0-
Debt Repayment	15.55	32%	.83
Reserves	1.76	3%	-0-
TOTAL	$48.08	97%	
Balance	1.25	3%	.27

[1] Based upon 1968 and 1969 actual income and expenses and 1970 Budget.

[2] Based upon 1967, 1968, 1969 actual income and expenses and 1970 Budget.

TABLE XVIII Cont.

% of total av. income	Stanislaus Co., Calif. Av. $ per unit per month [3]	% of total av. income	Royal City, Wash. Av.$ per unit per month [4]	% of total av. income
	$50.87		$76.08	
	7.02		1.42	
	5.74		19.02	
	.29		----	
	.29		----	
100%	$51.86	100%	$58.88	100%
25%	17.84	34%	9.97	17%
2%	1.40	3%	1.12	2%
23%	4.76	9%	1.58	2%
3%	.24	1%	.34	1%
1%				
5%	6.99	13%	-0-	---
-0-	.72	1%	.30	1%
1%				
-0-	1.09	2%	1.58	2%
2%	2.41	.5%	----	---
32%	5.45	10%	8.52	14%
94%	$40.90	78%	$25.10	42%
---	-0-	---	-0-	---
4%	6.69	13%	29.28	50%
-0-	4.16	8%	4.50	8%
98%	$51.75	99%	$58.88	100%
2%	.11	1%	---	----

[3] Based upon 1969 actual income and expenses and 1970 Budget.

[4] Based upon 1970 Budget

Source: Budgets and actual amounts furnished by projects.

income. The accuracy of the budget is questionable since the difference between the 1969 budget and actual expenditures was substantial.)

The same is true with the project in Granada, Colorado (Prowers County). This project demonstrates clearly what happens when a project is occupied for only part of the year (in this case, the vacancy rate is about 66 percent). Since the opening of the project in 1967, no payments have been made on the loan. By the end of 1969 it was delinquent in excess of $35,000. The present budget allocated $2,424 for debt retirement; far from the $15,000 that will accrue this year. Had the maximum grant of two-thirds of the total cost of the project been given the project would still not be operating in the black. To date all revenues from the project have gone for operation and maintenance.

The project at Royal City may also experience financial difficulty in the near future. With a repayment schedule of nearly $13,000 a year for interest on the loan, this leaves only $20,000 (or $45 per unit per month) for operation, maintenance and reserves, if the project were operated at full capacity. At 75 percent capacity, for which it is budgeted, only $13,000 (or $29 per unit per month) remains for operation and maintenance. Soon after it began operation, it became doubtful that the project would reach the 75 percent level of occupancy for the first year of operation. In June 1970, 30 of the 37 units were occupied, but many of these occupants were migrants who may be moving out later in the year. One problem is that the units are not furnished.[54] Loan and grant funds cannot be used to provide items which do not become a part of the realty.

The Effect of an Inadequate Subsidy

The size of the grant received by each project has a very great effect on the rentals that must be charged, i.e.,

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[54] Interview by telephone, Robert Wylie, County Supervisor, Farmers Home Administration, Royal City, Washington,

TABLE XIX

TOTAL PER UNIT COST, SIZE OF GRANT, AND AMOUNT OF RENT PER UNIT PER MONTH USED TO RETIRE DEBT IN SELECT FmHA FARM LABOR HOUSING PROJECTS

Project	Total Cost Per Unit	Grant Size % of Total Cost	Debt Retirement Per Occupied Unit Per Month *
Riverside, Calif.	$7,191	40%	$24
Soledad, Calif.	9,787	66%	18
Stanislaus, Calif.	5,618[a]	50%	16
Granada, Colorado	7,575	49%	22[b]
Union Co., Ill.	8,181	58%	19
Castro Co., Texas	4,960	40%	17
Royal City, Washington	10,757	50%	30
Othello, Washington	2,991	0%	17

[a] Actual per unit cost in Stanislaus County project is $11,191, based upon 125 new units build. However, rentals from 249 units are used to amortize the debt.

[b] Actual vacancy rate in Prowers County project has been about 66%. Based upon that rate the debt retirement per occupied unit per month is $59.

*Based on 10% vacancy rate.

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the portion of capital costs not received in the form of a grant, in all cases, was borrowed and must be repaid. Table XIX shows the amount of each month's rent which goes for debt retirement in certain selected projects. These are the amounts that each unit must earn, if occupied 90 percent of the time if the debt is to be repaid. In addition, the unit must earn additional amounts in order to pay for operation and maintenance expenses.

Only in those projects where "total per unit" costs were kept low, a maximum grant was given, or there are addi-

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June 10, 1970.

tional units available to help defray the per unit debt, does the per unit debt retirement become low enough to make the project feasible for low income persons. In almost all cases, the grant should have been greater in order to reduce the amount of rent that must be collected.

Grants of 100% of the capital costs would reduce rents by the amount shown as "Debt Retirement" in Table XIX. Projects need to have rents reduced by this amount to bring them within payment capabilities of farm workers.

OTHER PROBLEM AREAS

Even if the major flaw of the farm labor housing program could be overcome, i.e., a deep enough subsidy were provided to make it an attractive program to house farm workers, other "minor" problems exist which prevent the program from reaching its goals.

Foremost of these is the FmHA requirement that the membership of broadly-based organizations live in the community where the housing is to be built and the occupants are to work. (This has been mooted by the fact that FmHA no longer considers nonprofit organizations eligible to receive grants, but it is a partial explanation of why the program has not been effective in the past.) In many areas where there is a need for farm labor housing, the people in the community who would necessarily make up the membership in such an organization do not want to see permanent housing made available to farm workers who historically have moved out of the area at the end of the harvest season. These communities view permanent, year-round housing for farm workers much the same as they see housing for other low income groups, i.e., that it lowers real estate values wherever it is located. In addition, this type of housing for farm workers, especially in stream states, is thought to attract new poor people, thus adding to the tax burden. These communities fear that welfare, service, and school costs will increase without a corresponding contribution from the new residents. And running throughout these "fears" is the racism which follows most farm workers throughout their lives, since they are, by and large, minority group members.

In these communities, then, it is virtually impossible to create local broadly-based organizations which are vitally interested in the rights and needs of farm workers. An effective delivery system of farm labor housing must provide that either the farm workers themselves be made eligible to receive the funds, or that broadly based organizations be allowed to draw their membership from throughout the state and build the housing wherever it is needed, or both.

Another basic problem is that so few people know that the program exists,or if they do, how it really works (or in this case, why it doesn't work). In a recent survey conducted by the Rural Housing Alliance of over 160 FmHA County Supervisors located in counties with over 1,000 migrant farm workers, nearly all indicated that some effort was made to inform various groups and individuals of the existence of the loan and grant program. But there is a great difference between informing and generating interest in a program. Very few large projects will ever be put together if FmHA staff does nothing more than inform the population that might take advantage of it. As we have seen in the section on the regulations, the application process for large projects is lengthy and complex. Assistance in putting the application together has necessarily come from the County Supervisor or from the State Offices. When the whole agency is short-staffed, it seems reasonable to assume that most offices are not likely to encourage the development of applications that require such an extensive amount of assistance.

This leads to a third basic problem. That the agency is understaffed for the job it is authorized to do is hardly debatable. Since 1960, FmHA's program level has increased 624 percent; outstanding loans have increased 427 percent and collections have increased 248 percent. During the same time period, man-hours in the agency increased only 77 percent. In 1960, for each million dollars invested, FmHA had 3.4 man years for administration.[55] In 1971,

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55. Testimony by James V. Smith, Administrator, Farmers

this ratio will be one man year per million dollars.

Increased manpower alone, however, would not greatly help the present program. A program which would solve the problems of providing adequate housing for farm workers must be approached with some type of plan. Yet, there is obviously no plan for the current programs, in the sense that a plan should encompass a showing of immediate needs in various locations, long range needs, and resources available to meet these needs. The type of "plan" that seems to be used for farm labor housing only operates when FmHA seeks new appropriations. It bases its appropriations request on past performance, carry over from previous years' appropriations, and some mystical estimate of grants and loans to be made in the coming year. The amount of money requested is not related to the overall problem, and only represents what FmHA decides it can expend.

FmHA officials[56] put some of the blame for the failure of the program on mismanagement of some of the projects. Although this did not seem to present a major problem in the few projects visited by this writer, some projects undoubtedly operate under poor management. For example, in some projects, it is reported that for parts of the year the units are extremely overcrowded, are filthy, and suffer generally from a lack of maintenance. If such conditions actually do exist, these projects are in breach of their grant and/or loan agreement with FmHA. FmHA has the right to foreclose on the loan, take possession of the project and operate it. In the case of grants, FmHA may obtain specific performance of the grant obligations in a judicial proceeding. One excuse, probably quite valid, that FmHA has for not monitoring these projects more closely is, again, lack of personnel. But the problem may also go back to the fact that many of the projects are budgeted so closely to enable them to repay large loans that adequate funds are not available to hire pro-

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Home Administration, Hearings Before a Subcommittee of the Committee on Appropriations, "Department of Agriculture Appropriations for 1971.", 91st Congress, 2nd Session, Part 4, p. 228.

[56] Malotky interview.

fessional management. The manager of a housing project, especially one whose tenants are transient and of a different culture, must not only be a budget wizard and capable supervisor, but a practical sociologist as well.

Perhaps the basis for nearly all of the problems discussed in this report is the sad fact that the Farm Labor Housing Program is an insignificant part of a much larger FmHA operation. It accounted for only about one-half of one percent of the 1970 program level for all FmHA programs. If not an unwanted child by FmHA, it is for the most part, forgotten or neglected.

At the national level, labor housing loans and grants fall under the jurisdiction of Rural Housing Division. This division is also responsible for housing loans to persons with low to moderate income (1970 program level: $79 million), loans for home repairs to very low income persons (1970 level: $10 million), rental housing loans (1970 level: $20 million), and self-help housing land development loans and technical assistance grants (1970 level: $2,450,000). The division is administered by a director, assistant director, and five loan officers plus a small technical staff and clerical help. Responsibility for the various programs is not formally divided among the loan officers.[57] Thus, each program does not have a separate and distinct head. This may be explained by the fact that 95 percent of the program level is accounted for by housing loans to persons with low to moderate income. Yet, without formal leadership and lines of responsibility, the "minor" programs, upon which the people with the lowest incomes rely, must suffer. And so they do.

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[57] In a recent reorganization of the Department of Agriculture, announced on June 29, 1970, but yet to be implemented, the Rural Housing Division will be headed by an Assistant Administrator. It will be divided into four units: Planning and Analysis Staff, Architectural and Technical Services Staff, Single Family Housing Loan Division, and Multiple Family Housing Loan Division.

PART V

Some Conclusions, Suggestions and Recommendations

> People have a right to decent shelter, and it is the responsibility of government to help them acquire it. In America "decent shelter" should mean no less than adequate space in a sound and safe structure, an abundant supply of clean water, private bath and toilet facilities inside the house, and means for sanitary disposal of sewage.[1]

The above principle, laid down at the First National Rural Housing Conference did not exclude farm workers from the right to decent shelter. Singly and collectively the programs discussed in this study--labor camp code enforcement, Office of Economic Opportunity temporary farm labor housing--add up to an almost total failure of these agencies to accept the responsibility of guaranteeing the "right to decent shelter" for migrant workers. The fault lies with the Congress, the Presidency and the Bureaucracy for failing to make a full commitment to eliminate all substandard housing in the Nation. Instead, programs have been advocated and approved that are not even half-measures, and inadequately funded at that. The leadership has closed its eyes when the various Administrative Agencies fail to perform because of insufficient funds, insufficient legislative authority, or intentional perversion of the legislation by the Agencies. But worst of all, the Government has perpetuated the myth that somehow, someday, industry and the lending institutions can solve the problems with a few, but expensive, incentives such as lender interest subsidies, insured loans, incentive grants, and the like.

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1. Richard J. Margolis (Editor), "People have a right... The Report of the First National Conference on Rural Housing," 1969, p. 11.

WHAT ULTIMATELY MUST BE DONE

The solution of providing decent housing for farm workers will come only when a comprehensive attack is made on the total housing problem for all low-income people. An all-out attack, with billions of dollars of direct government aid, will be required to put an end to the rural and urban ghettos and company camps and towns which flourish today. The federal government must initiate and directly subsidize housing development. The subsidies should go directly to or for the benefit of the occupants of the housing and not to lending institutions. Where the incomes of families are very low, i.e., those not being served by present programs, the principal as well as interest must be subsidized for home ownership programs, and a greater share of operation and maintenance costs must be subsidized for rental projects. Above all, when state and local institutions fail to take advantage of new, deeply subsidized national housing programs, the federal government should become the builder of last resort.[2]

A wider range of incomes must be served, and the delivery system must be made accountable to the people it is designed to serve, i.e., the occupants of the housing. The legal relationships between landlords and tenents must be reformed to insure that the occupants are not excluded from having a voice in the control of their environment.

A national land program must be inaugurated to guarantee that building sites are available in good locations at a reasonable price in accordance with overall community and national plans. Land must be viewed as a national asset and no longer as a means for a few to get rich by speculation.

The housing delivery system must eventually be consolidated to enable it to benefit to as great extent as possible from the economies of scale, new ideas, technology and administration. Finally, local building codes should be revamped and

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2. See also, Herbert M. Franklin, "A New Generation of Lower-Income Housing: A Proposal For Consolidation and Reform" The Urban Coalition, 1969, p. iv.

made as uniform as possible, taking advantage of the most recent developments in the building industry. They should be geared to insure decent, safe and sanitary housing and not as a tool of securing employment for the trades.

The Need for Direct Federal Action

Congress has the responsibility for seeing that a comprehensive program to provide decent housing for farm workers is initiated. It is the body that controls the authority of administrative agencies; it is the body that controls the purse strings; and it is the body that can establish the watch-dog committees to see that an effective program is carried out. Congress need only look back at the programs it has already enacted for providing farm labor housing to discover what direction it should take in establishing a new, comprehensive program. Congress should realize that a passive loan and grant program (at least one not deeply subsidized, like the present FmHA Farm Labor Housing Program) cannot work effectively. It should realize that a code enforcement program is not enough (though needed). For guidance, Congress should look at the Camp Program administered by the Farm Security Administration in the late 1930's and early 1940's. In six years, through direct government action, housing for over 19,000 families was built (however, more than half of this was in mobile, tent camps). The lesson to be learned here is that terrible conditions existing in the 1930's for farm workers were not significantly different, in a relative sense, than they are today. It required direct action on the part of government then; it requires the same today.

The Need for a New Agency

No agency existing in the Federal Government is currently capable of administering a comprehensive program to improve the housing conditions of all farm workers. Historically, the two major programs (FSA Camp Program and FmHA Farm Labor Housing) were placed within the Department of Agriculture. The provision of decent housing for farm workers can no longer be considered an "agricultural problem." It is a human problem. It requires an agency whose primary function is meeting the housing needs of farm workers and not the needs of farm owners.[3] One hesitates to advocate that it be made a part of a larger, comprehensive housing agency (presently non-existent) as the record of subordination of measures to improve the lot of farm workers when included in broader groupings is all too clear.[4] Thus, for now, a new independent agency is required, freed of the shackles of myths and prejudices that have kept the farm workers among the most poorly housed working group in the country. For now let us call the new agency The Farm Labor Housing Administration.

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3. The same can be said of all rural housing programs. It is ludicrous to attempt to solve the housing problems in rural areas through a Department whose major concern is with commercial agriculture.

4. Margolis, p. 36, "We recommend the creation of a separate agency or division, with its own staff and grant and loan funds, to administer a migratory and seasonal farm labor housing program. We urge that this agency, created by special legislation, be provided funds from an appropriate source, such as the Appropriations Subcommittee on Labor and Health, Education and Welfare. The bitter plight of migrant and seasonal workers is emblazoned across the face of America, told and retold *ad nauseam*, but the results of all the cries of pity and outrage are minimal. The present farm labor housing program is a great disappointment. The initial impetus under this program should come from the farm worker, not the commercial agricultural interests. This nation cannot leave millions of the 'poorest of the poor' to the mercy of local groups whose concern frequently runs in other directions, or, however illogically, are opposed to the effort and expense necessary to provide decent housing for farm workers."

Authority of the New Agency

The Farm Labor Housing Administration (FLHA) should be authorized to do a complete program survey of the need for farm labor housing. Such a survey should discover where new housing should be located, what type of housing is needed, what effects mechanization will likely have on the need for a large farm labor force in all locales, and the possibility of diversification of the existing farm labor force into the general labor market. In addition, it should discover the extent to which existing local institutions are capable of receiving large Government subsidies to provide housing for farm workers in a manner compatible with overall needs of farm workers.

FLHA should be authorized to provide total financial assistance for the planning, development, and construction, purchase, lease or rehabilitation of the needed housing and related facilities in any area for use by farm workers. In addition, FLHA should be authorized to provide supplemental funds for operation and maintenance when project income is insufficient to provide for it.

In most cases, permanent housing, capable of year-round occupancy, should be provided. Housing of this type should be considered even in areas where most of the farm workers are migrants, in an effort to eliminate the need of traveling long distances.

In areas where it is considered totally impractical to build permanent type structures because of (a) very brief periods of occupancy, (b) a rapidly declining need for farm labor, (c) a forseeable end for the need of farm labor and (d) a showing that permanent housing is not needed for other low-income persons in the immediate future, temporary housing may be provided. Such housing should include adequate space for the occupants, indoor plumbing, cooking facilities, furnishings, and recreation areas. Whenever possible, it should be designed so that it will have some future use to the community in which it is located.

Institutions eligible to receive Federal funds to provide housing and related facilities for farm workers should be States, public organizations within States organized specifically to meet the needs of farm workers, and private non-profit organizations of farm workers. Where no State, public or private organization makes application for funds within a reasonable time after the Agency has documented the need for farm labor housing within a state, or portion of it, FLHA, itself, should have the authority, and obligation, to develop, construct and operate the needed housing.

FLHA should make available a number of alternative programs similar to those in existing Public Housing legislation. Thus, in addition to funding the development and construction of new projects, the Agency should allow for the purchase of existing housing for immediate occupancy, or for rehabilitation; the purchase of new housing from private developers after it is completed; and the leasing of housing. Rents for the housing should be based upon the tenants income, based on a sliding scale up to 20 percent (the lower the income, the lower the percent of income for rent). In all cases, the tenants should be given the option of having a portion of their rent (in the case of permanent year-round dwellings) go into an "equity fund" for the eventual purchase of the house.

FLHA should be provided with funds for the purpose of training all managers of projects to enable them to effectively operate the project and to be sensitive to the needs of the tenants.

Each project should have a tenant's council, democratically elected, to advise the management and assist the organization in setting local policy. An appeal apparatus should be established, with the Director of FLHA as the final arbitor with subsequent access to the judicial process, to settle differences between the tenant's council and management and local organizations.

FLHA should be authorized to exercise the power of eminent domain in areas where building sites are not readily available. It should make available to applicant organizations planning services and technical assistance in order that all housing needs might be met in the local area. FLHA should also be authorized to pre-empt local zoning regulations and building codes in appropriate circumstances.

The Agency should be authorized to enforce a strict national code concerned with housing provided for farm workers who travel across state lines, or housing used by farmworkers which is owned or operated by or for the benefit of growers or corporation farms engaged in interstate commerce. Permanent housing should not be built in a compound or labor camp type setting. Rather, scattered sites should be used, or at the very least, subdivisions should be developed. Sites should be carefully selected, to provide for integration within the existing community and proximity to existing jobs and community services. Finally, the Agency should be authorized to make payments to the local governments and school districts for any increased burden on services rendered by them caused by the location of housing for low-income persons in a particular area.

THE NEED FOR IMMEDIATE ACTION

An Agency with powers such as those outlined above is essential if there is to be a final solution to the farm worker housing problem. The formation of such an Agency should be undertaken immediately. Realistically, the formation of such an agency would take a great deal of time even if it were readily acceptable to the Congress. In the meantime, less complex measures can be taken to stimulate construction of farm labor housing.

FmHA Farm Labor Housing Amendments

With regard to the present FmHA Farm Labor Housing Program several legislative changes should be made. It should be remembered, however, that these changes are just more "half measures" that will solve only part of the problem. Yet the condition of farm labor housing is so bad that even another program offering only a partial solution would be better than what exists now. Therefore, Congress should amend the authority of FmHA under Section 514 to permit loans to be made to non-protit organizations of farm workers. Under Section 516 Congress should make the following changes by way of amendment:

1. Organizations which are truly broad-based non-profit, i.e., those which reflect, not only the established community, but farm workers as well, should be eligible for grants.
2. Non-profit organizations of farm workers should be eligible for grants.
3. Organizations receiving grants should be allowed to build housing anywhere in the state of incorporation where a need is demonstrated, not just in the community in which most of its members reside.
4. Grants should be made for up to the total cost of the project.
5. Housing built with loan or grant funds should be durable and suitable for year-round occupancy.
6. Loan and grant funds should be allowed to be expended for furniture and other furnishings when the housing is to be used by occupants for short periods of time.

These few changes would enable additional institutions to provide housing for farm workers. Yet there will still be areas where there will be no response to the incentives offered by the federal government. In addition, management in the projects may continue to be a problem. Above all, many farm worker occupants will still not have any say as to the operation and management of many of the projects.

Creating a Strict National Standard for Migrant Labor Camps

The present Federal farm labor housing code administered by the Bureau of Employment Security is totally inadequate by today's standards of decency. It should prevent overcrowding in dwellings, and should require, among other things, that in-door plumbing be furnished in all units and that each family unit contain a shower and adequate furnishings. It should be enforced by Federal Inspectors who have an interest in seeing that migrant farm workers are provided decent housing when they are working away from their home base. These inspectors should not work through the State Employment Agencies. These agencies have yet to prove that they are capable of enforcing regulations already entrusted to them, which are designed to protect farm workers.[5]

Broaden and Balance the Office of Economic Opportunity Migrant Division's Approach in the Field of Housing for Migrant and Seasonal Farm Workers

The Migrant Division has sought to deplete the migrant labor force by providing a means for escape to migrants--for settling out--through education, job placement, and other means. That it has been successful is doubtful; that it has failed to significantly "improve housing and sanitation" of migrant and seasonal farm workers, as legislated by Congress, is sadly true. The Migrant Division has devoted a very small percent of its resources to improving the housing conditions of migrants. Most of the resources for "housing" have gone into the formation of mutual self-help housing projects. Although the concept of mutual self-help is admirable, it does not meet the needs of most migrant farm workers. Such a program can only serve a population which is stable. Where the Migrant Division has tried to assist migrant farm workers with improved housing, the attempt has been misdirected. In California, the only area where Migrant Division funds were used to actually construct shelters for migrants, most of the housing built is substandard.

The Migrant Division must re-evaluate the role that housing plays if all migrant and seasonal farm workers are to be given a true economic opportunity. In areas where job training and education centers have been established or permanent employment is to be found for migrants, housing is often in such short supply as to discourage participation. Present housing situations hamstring the Migrant Division's outreach function, in that growers who provide housing for their workers often misguidedly and illegally prevent workers from receiving OEO services and benefits. Therefore, housing production must become an integral part of its "settling out" program.

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[5] See generally, Complaint, 250 California Farm Workers et. al. v. Shultz et. al., U.S.D.C. San Francisco, Civil Action No. C-70 481 AJZ, Filed March 5, 1970.

The Migrant Division must inaugurate a comprehensive plan which envisions the alleviations of all major problems of migrant and seasonal farm workers. It should retain as its primary goal the ending of the need for farm workers to travel great distances for extended periods of time. In other words, it should attempt to end the need for migrancy, not necessarily farm work as an occupation. On the other hand, it cannot ignore the existing needs of migrant farm workers, which include improved housing facilities while traveling in the stream. A comprehensive plan should put an end to the seemingly ad hoc nature of funding grantees. It should set program guidelines to assist grantees in meeting the needs of migrant and seasonal farm workers in their area. When such a plan is developed, it will be easier to justify to Congress increased funding levels for the Division.

Migrant Division funds should be used to organize groups and provide technical assistance to enable them to take advantage of existing housing programs, and to construct decent housing to be used by migrants while in the migrant work force and during the settling out period. Housing built with OEO funds and technical assistance for use by migrants for only part of the year should be suitable for year-round living. Wherever possible, this housing, when not used by persons doing farm work, should be used as interim housing for those farm workers enrolled in education programs or pursuing more stable employment opportunities. The Migrant Division, in carrying out its role of assisting migrant farm workers, must purge itself of the philosophy that "in stream" housing for migrants is only a subsidy to growers. Decent housing for migrant farm workers, located off the farm, and controlled by the workers themselves is no more a subsidy to growers than is housing assistance to a settled out migrant who happens to be a drill press operator a subsidy to General Motors. (It is agreed however, that when the Migrant Division provides housing, that is little more than a plywood shelter, available for occupancy only during the growing and harvest season, then growers are the primary beneficiaries.)

Since the Migrant Division's constituency is so poorly housed, a much greater portion of its funds should go for funds to hire full time staffs to deal only with housing problems of migrant and seasonal farm workers.[6]

A FINAL NOTE

These are some of the measures, then, that must be taken to fight a wrong which has been caused by the economic system and perpetuated by a Federal Government sensitive to the power of agri-business. The persons that need the help are nearly powerless. If there is hope at all, that hope comes from the farm workers themselves, currently engaged in the process of awakening to their own potential strength. But until that potential strength becomes reality, and even when it becomes reality, dilapidated housing, ill-health, pollution, disease, lack of equal opportunity and the shame and degradation of farm workers rests on the conscience of the total community and makes the moral pretenses of this country ugly and hypocritical.

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[6] As this report goes to press, the OEO Administration is considering "regionalizing" the migrant program, i.e., splitting its pitifully inadequate budget among ten regions and doing away with the central staff. The worst enemies of farm workers will doubtless applaud this proposal, but if the program is regionalized the friends of farm workers should encourage the Congress to remove the program from OEO entirely and set it up as a separate agency.

FEDERAL REGULATIONS FOR HOUSING FOR AGRICULTURAL WORKERS

FEDERAL
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PART 620—HOUSING FOR AGRICULTURAL WORKERS

2. The new Part 620 reads as follows:

EXPLANATION

Sec.
620.1 Purpose and scope.
620.2 Amendments.
620.3 Variations.

HOUSING STANDARDS

620.4 Housing site.
620.5 Water supply.
620.6 Excreta and liquid waste disposal.
620.7 Housing.
620.8 Screening.

Sec.
620.9 Heating.
620.10 Electricity and lighting.
620.11 Toilets.
620.12 Bathing, laundry, and handwashing.
620.13 Cooking and eating facilities.
620.14 Garbage and other refuse.
620.15 Insect and rodent control.
620.16 Sleeping facilities.
620.17 Fire, safety, and first aid.

AUTHORITY: The provisions of this Part 620 issued under 48 Stat. 117, as amended; 29 U.S.C. 49k.

EXPLANATION

§ 620.1 Purpose and scope.

(a) The Bureau of Employment Security, Manpower Administration, of the U.S. Department of Labor has established facilities to assist agricultural employers in recruiting workers from places outside the State of intended employment. The experiences of the Bureau indicate that employees so referred have on many occasions been provided with inadequate, unsafe, and unsanitary housing facilities. To discourage this practice the Bureau has established a policy of denying its interstate agricultural recruitment services to employers until the State agency affiliated with the U.S. Employment Service which receives the order for interstate recruitment has ascertained that housing and facilities: (1) Are available; (2) are hygienic and adequate to the climatic conditions of the area of employment; (3) are large enough to accommodate the agricultural workers sought; and (4) will not endanger the lives, health, or safety of workers and their families.

(b) In order to implement this policy, interstate recruitment services will be denied if the housing facilities intended for use by the worker or workers and their families fail to comply (1) with an applicable State or local law or regulation concerning safety, health, or sanitation, or (2) with the minimum standards set forth in this Part 620, whichever is more stringent.

(c) The services of the Bureau will also be denied when there exists an insanitary or hazardous condition not contemplated by applicable State or local law or the standards contained in this part, or where past failures to provide safe and sanitary housing indicate that the employer cannot be relied upon to comply with this part.

(d) In establishing this code, due consideration has been given to short term or temporary occupancy. The standards set forth in this part are minimum standards used to determine whether conditions are so inadequate as to require the Bureau to withhold services generally made available upon request. These standards should not in any way discourage (1) voluntary institution of higher standards by employers or their associations, (2) the institution and enforcement of adequate standards by appropriate authorities for the maintenance of safe and sanitary conditions for workers throughout the period of employment, and (3) the institution and enforcement of more stringent standards by other governmental agencies with regulatory authority.

§ 620.2 Amendments.

(a) Any interested person may at any time file a petition for a change in the regulations contained in this part with the Administrator of the Bureau of Employment Security, Manpower Administration, U.S. Department of Labor, Washington, D.C. 20210.

(b) Any interested persons and organizations are invited to cooperate with the Bureau of Employment Security by submitting suggestions and requests and to provide information to the Bureau concerning the problems of safety and sanitation in housing for agricultural workers. In addition, the Director of the Farm Labor Service of the Bureau of Employment Security shall have authority to obtain information by calling conferences to which he may invite various persons who have had experience or expert knowledge concerning this matter.

§ 620.3 Variations.

(a) A Regional Administrator of the Bureau of Employment Security may from time to time grant written permission to individual employers to vary from particular provisions set forth in this part when the extent of the variation is clearly specified and it is demonstrated to his satisfaction that (1) such variation is necessary to obtain a beneficial use of an existing facility, (2) the variation is necessary to prevent a practical difficulty or unnecessary hardship, and (3) appropriate alternative measures have been taken to protect the health and safety of the employee and assure that the purpose of the provisions from which variation is sought will be observed.

(b) Written application for such variations shall be filed with the State employment security office serving the area in which the employment is to take place. No such variation shall be effective until granted in writing by a Regional Administrator.

HOUSING STANDARDS

§ 620.4 Housing site.

(a) Housing sites shall be well drained and free from depressions in which water may stagnate. They shall be located where the disposal of sewage is provided in a manner which neither creates nor is likely to create a nuisance, or a hazard to health.

(b) Housing shall not be subject to, or in proximity to conditions that create or are likely to create offensive odors, flies, noise, traffic, or any similar hazards.

(c) Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.

(d) The housing site shall provide a space for recreation reasonably related to the size of the facility and the type of occupancy.

§ 620.5 Water supply.

(a) An adequate and convenient supply of water that meets the standards of the State health authority shall be provided.

(b) A cold water tap shall be available within 100 feet of each individual living unit when water is not provided in the unit. Adequate drainage facilities shall be provided for overflow and spillage.

(c) Common drinking cups shall not be permitted.

§ 620.6 Excreta and liquid waste disposal.

(a) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.

(b) Where public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.

(c) Where public sewers are not available, a subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system, privies or portable toilets shall be provided. Any requirements of the State health authority shall be complied with.

§ 620.7 Housing.

(a) Housing shall be structurally sound, in good repair, in a sanitary condition and shall provide protection to the occupants against the elements.

(b) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and so located as to prevent the entrance of ground and surface water.

(c) The following space requirements shall be provided:

(1) For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than 50 square feet of floor space per occupant;

(2) For sleeping purposes in dormitory accommodations using double bunk beds only, not less than 40 square feet per occupant;

(3) For combined cooking, eating, and sleeping purposes not less than 60 square feet of floor space per occupant.

(d) Housing used for families with one or more children over 6 years of age shall have a room or partitioned sleeping area for the husband and wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.

(e) Separate sleeping accommodations shall be provided for each sex or each family.

(f) Adequate and separate arrangements for hanging clothing and storing personal effects for each person or family shall be provided.

(g) At least one-half of the floor area in each living unit shall have a minimum ceiling height of 7 feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than 5 feet.

(h) Each habitable room (not including partitioned areas) shall have at least one window or skylight opening directly to the out-of-doors. The minimum total window or skylight area, including windows in doors, shall equal at least 10 percent of the usable floor area. The total openable area shall equal at least 45 percent of the minimum window or skylight area required, except where comparably adequate ventilation is supplied by mechanical or some other method.

§ 620.8 Screening.

(a) All outside openings shall be protected with screening of not less than 16 mesh.

(b) All screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.

§ 620.9 Heating.

(a) All living quarters and service rooms shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 68° F. if during the period of normal occupancy the temperature in such quarters falls below 68°.

(b) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No portable heaters other than those operated by electricity shall be provided. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet, or other fireproof material on the floor under each stove, extending at least 18 inches beyond the perimeter of the base of the stove.

(c) Any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof.

(d) When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

§ 620.10 Electricity and lighting.

(a) All housing sites shall be provided with electric service.

(b) Each habitable room and all common use rooms, and areas such as: Laundry rooms, toilets, privies, hallways, stairways etc., shall contain adequate ceiling or wall-type light fixtures. At least one wall-type electrical convenience outlet shall be provided in each individual living room.

(c) Adequate lighting shall be provided for the yard area, and pathways to common use facilities.

(d) All wiring and lighting fixtures shall be installed and maintained in a safe condition.

§ 620.11 Toilets.

(a) Toilets shall be constructed, located and maintained so as to prevent any nuisance or public health hazard.

(b) Water closets or privey seats for each sex shall be in the ratio of not less than one such unit for each 15 occupants, with a minimum of one unit for each sex in common use facilities.

(c) Urinals, constructed of nonabsorbent materials, may be substituted for men's toilet seats on the basis of one urinal or 24 inches of trough-type urinal for one toilet seat up to a maximum of one-third of the required toilet seats.

(d) Except in individual family units, separate toilet accommodations for men and women shall be provided. If toilet facilities for men and women are in the same building, they shall be separated by a solid wall from floor to roof or ceiling. Toilets shall be distinctly marked "men" and "women" in English and in the native language of the persons expected to occupy the housing.

(e) Where common use toilet facilities are provided, an adequate and accessible supply of toilet tissue, with holders, shall be furnished.

(f) Common use toilets and privies shall be well lighted and ventilated and shall be clean and sanitary.

(g) Toilet facilities shall be located within 200 feet of each living unit.

(h) Privies shall not be located closer than 50 feet from any living unit or any facility where food is prepared or served.

(i) Privy structures and pits shall be fly tight. Privy pits shall have adequate capacity for the required seats.

§ 620.12 Bathing, laundry, and handwashing.

(a) Bathing and handwashing facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. These facilities shall be clean and sanitary and located within 200 feet of each living unit.

(b) There shall be a minimum of 1 showerhead per 15 persons. Showerheads shall be spaced at least 3 feet apart, with a minimum of 9 square feet of floor space per unit. Adequate, dry dressing space shall be provided in common use facilities. Shower floors shall be constructed of nonabsorbent, nonskid materials and sloped to properly constructed floor drains. Except in individual family units, separate shower facilities shall be provided each sex. When common use shower facilities for both sexes are in the same building they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and in the native language of the persons expected to occupy the housing.

(c) Lavatories or equivalent units shall be provided in a ratio of 1 per 15 persons.

(d) Laundry facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. Laundry trays or tubs shall be provided in the ratio of 1 per 25 persons. Mechanical washers may be provided in the ratio of 1 per 50 persons in lieu of laundry trays, although a minimum of 1 laundry tray per 100 persons shall be provided in addition to the mechanical washers.

§ 620.13 Cooking and eating facilities.

(a) When workers or their families are permitted or required to cook in their individual unit, a space shall be provided and equipped for cooking and eating. Such space shall be provided with: (1) A cookstove or hot plate with a minimum of two burners; and (2) adequate food storage shelves and a counter for food preparation; and (3) provisions for mechanical refrigeration of food at a temperature of not more than 45° F.; and (4) a table and chairs or equivalent seating and eating arrangements, all commensurate with the capacity of the unit; and (5) adequate lighting and ventilation.

(b) When workers or their families are permitted or required to cook and eat in a common facility, a room or building separate from the sleeping facilities shall be provided for cooking and eating. Such room or building shall be provided with: (1) Stoves or hot plates, with a minimum equivalent of two burners, in a ratio of 1 stove or hot plate to 10 persons, or 1 stove or hot plate to 2 families; and (2) adequate food storage shelves and a counter for food preparation; and (3) mechanical refrigeration for food at a temperature of not more than 45° F.; and (4) tables and chairs or equivalent seating adequate for the intended use of the facility; and (5) adequate sinks with hot and cold water under pressure; and (6) adequate lighting and ventilation; and (7) floors shall be of nonabsorbent, easily cleaned materials.

(c) When central mess facilities are provided, the kitchen and mess hall shall be in proper proportion to the capacity of the housing and shall be separate from the sleeping quarters. The physical facilities, equipment and operation shall be in accordance with provisions of applicable State codes.

(d) Wall surface adjacent to all food preparation and cooking areas shall be of nonabsorbent, easily cleaned material. In addition, the wall surface adjacent to cooking areas shall be of fire-resistant material.

§ 620.14 Garbage and other refuge.

(a) Durable, fly-tight, clean containers in good condition of a minimum capacity of 20 gallons, shall be provided adjacent to each housing unit for the storage of garbage and other refuse. Such containers shall be provided in a minimum ratio of 1 per 15 persons.

(b) Provisions shall be made for collection of refuse at least twice a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with State and local law.

§ 620.15 Insect and rodent control.

Housing and facilities shall be free of insects, rodents and other vermin.

§ 620.16 Sleeping facilities.

(a) Sleeping facilities shall be provided for each person. Such facilities shall consist of comfortable beds, cots or bunks, provided with clean mattresses.

(b) Any bedding provided by the housing operator shall be clean and sanitary.

(c) Triple deck bunks shall not be provided.

(d) The clear space above the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be a minimum of 27 inches. The distance from the top of the upper mattress to the ceiling shall be a minimum of 36 inches.

(e) Beds used for double occupancy may be provided only in family accommodations.

§ 620.17 Fire, safety, and first aid.

(a) All buildings in which people sleep or eat shall be constructed and maintained in accordance with applicable State or local fire and safety laws.

(b) In family housing and housing units for less than 10 persons, of one story construction, two means of escape shall be provided. One of the two required means of escape may be a readily accessible window with an openable space of not less than 24 x 24 inches.

(c) All sleeping quarters intended for use by 10 or more persons, central dining facilities, and common assembly rooms shall have at least two doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

(d) Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or a second stairway.

(e) Sleeping and common assembly rooms located above the second story shall comply with the State and local fire and building codes relative to multiple story dwellings.

(f) Fire extinguishing equipment shall be provided in a readily accessible place located not more than 100 feet from each housing unit. Such equipment shall provide protection equal to a 2½ gallon stored pressure or 5-gallon pump-type water extinguisher.

(g) First aid facilities shall be provided and readily accessible for use at all time. Such facilities shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross, and provided in a ratio of 1 per 50 persons.

(h) No flammable or volatile liquids or materials shall be stored in or adjacent to rooms used for living purposes, except for those needed for current household use.

(i) Agricultural pesticides and toxic chemicals shall not be stored in the housing area.

[F.R. Doc. 68-13185; Filed, Oct. 30, 1968; 8:46 a.m.]

APPENDIX B

CALIFORNIA TEMPORARY HOUSING STATISTICS

The statistics that follow in this appendix were gathered by the Department of Human Resources Development (the State Office of Economic Opportunity). They relate to the 23 farm labor housing centers built with OEO Migrant Division and California State Funds.

CONTENTS

Table

Labor Center Occupancy....................................1
Family Size...2
Population (Adults Per Center)............................3
Population (Children Per Center)..........................4
Number of Arrivals and Departures at all Center locations per week)....................................6*
Source of Referral (all Centers)..........................7
Family Size and Annual Income.............................8
Annual Income by Center...................................9
School Years Completed (All Participants, All Centers)...10
Home Base...11
Next Work Stop..12

*Table 5 not in this Report.

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 1

Labor Center Occupancy

Center Location and Code	Number of Families	Per Cent	Families Turned Away a/	Number of Individuals	Average Family Size
TOTAL	2,618	100.0	4,337	13,802	5.3
1 Gridley	133	5.1	0	677	5.1
2 Yuba City	181	6.9	113	901	5.0
3 Madison	112	4.3	101	629	5.6
4 Dixon	145	5.5	85	730	5.0
5 Harney Lane	276	10.5	711	1,412	5.1
6 Mathews Road #2	181	6.9	487	969	5.4
7 Mathews Road #3	148	5.7	437	732	5.0
8 Empire	121	4.6	77	601	5.0
9 Patterson	86	3.3	15	450	5.2
10 Westley	131	5.0	21	653	5.0
11 Watsonville	107	4.1	37	598	5.6
12 Turlock	70	2.7	122	363	5.2
13 Merced	69	2.6	54	448	6.5
14 Los Banos	114	4.4	145	652	5.7
15 Hollister	105	4.0	717	618	5.9
16 Davis	85	3.2	136	404	4.8
17 Parlier	138	5.3	0	723	5.2
18 Raisin City	95	3.6	48	630	6.6
19 Livingston	87	3.3	44	483	5.6
20 Planada	79	3.0	185	471	6.0
23 Indio	155	5.9	802	658	4.2

a/ Migrant Family Housing Center at Indio, only November 1968 through July 1969.

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 2

Family Size

Size	No. of Families
1	2
2	313
3	378
4	461
5	416
6	347
7	236
8	173
9	107
10	95
11	43
12	20
13	13
14	8
15	5
16	1
Total No. of Families	2,618

Mean Family Size 5.3
Median Family Size 4.4
Mode Family Size 4

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 3

Center Location & Code		Adults Per Center
1.	Gridley	271
2.	Yuba City	398
3.	Madison	261
4.	Dixon	314
5.	Harney Lane	602
6.	Mathews Road #2	404
7.	Mathews Road #3	333
8.	Empire	266
9.	Patterson	198
10.	Westley	303
11.	Watsonville	246
12.	Turlock	158
13.	Merced	155
14.	Los Banos	263
15.	Hollister	241
16.	Davis	206
17.	Parlier	325
18.	Raisin City	213
19.	Livingston	210
20.	Planada	195
23.	Indio	350
	Total	5,910

Mean No. of Adults per Family: 2.3

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 4

Center Location & Code	Children Per Center
1. Gridley	406
2. Yuba City	503
3. Madison	368
4. Dixon	416
5. Harney Lane	810
6. Mathews Road #2	565
7. Mathews Road #3	399
8. Empire	335
9. Patterson	252
10. Westley	350
11. Watsonville	352
12. Turlock	205
13. Merced	293
14. Los Banos	389
15. Hollister	377
16. Davis	198
17. Parlier	398
18. Raisin City	417
19. Livingston	273
20. Planada	276
23. Indio	308
Total	7,892
Mean No. of Children Per Family	3.0

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 6

Number of Arrivals and Departures
(All Center Locations)

Month and Weekly Period		Number Arrivals	Monthly Totals	Percent	Number Departures	Monthly Totals	Percent
November	1-8	34			-		
1968	9-16	23			2		
	17-24	14			1		
	25-31	3	74	2.8	3	6	0.2
December	1- 8	5			3		
1968	9-16	-			3		
	17-24	8			7		
	25-31	1	14	0.5	2	15	0.6
January	1- 8	2			-		
1969	9-16	3			3		
	17-24	1			-		
	25-31	1	7	0.3	1	4	0.2
February	1- 8	1			1		
1969	9-16	1			1		
	17-24	1			1		
	25-31	-	3	0.1	-	3	0.1
March	1- 8	6			7		
1969	9-16	2			2		
	17-24	9			8		
	25-31	4	21	0.8	4	21	0.8
April	1- 8	4			4		
1969	9-16	5			3		
	17-24	151			6		
	25-31	24	184	7.0	2	15	0.6
May	1- 8	439			16		
1969	9-16	211			36		
	17-24	120			24		
	25-31	107	877	33.5	44	120	4.6
June	1- 8	271			85		
1969	9-16	191			152		
	17-24	119			73		
	25-31	53	634	24.2	44	354	13.5

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 7

Source of Referral
(All Centers)

Referred By	No. of Families	Percent
Totals	2,618	100.0
Here Before	688	26.3
Family or Friend	720	27.5
Other Migrant	72	2.8
Employer	120	4.6
Labor Office	116	4.4
Self	173	6.6
Mass Media	22	0.8
Other	85	3.2
Unknown	622	23.8

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 8

Family Size and Annual Income

Family Size	Total	Annual Income Under $500	$500-999	$1000-1999	$2000-2999	$3000-3999	$4000-4999	$5000-5999	$6000-& Over	Income Not Stated	Mean Income
Total Number	2,618	7	42	339	654	752	437	144	125	118	$3,019
Percent	100.0	0.3	1.6	12.9	25.0	28.7	16.7	5.5	4.8	4.5	-
1	2				1					1	-
2	313		13	64	84	71	33	12	8	28	-
3	378	2	8	72	104	104	44	12	11	21	-
4	461		5	68	147	124	69	26	11	11	-
5	416	3	5	48	119	123	62	22	17	17	-
6	347		9	41	76	99	70	20	17	15	-
7	236	1	2	17	39	85	52	13	18	9	-
8	173	1		10	34	67	37	7	12	5	-
9	117			6	14	36	23	11	11	6	-
10	95			7	14	21	30	11	7	5	-
11	43			3	9	9	9	6	7		-
12	20				6	8	4		2		-
13	13			2	3	2	2	3	1		-
14	8			1	3	2	1		1		-
15	5				1	1	1	1	1		-
16	1								1		-

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 9

Annual Income by Center

Center	Total	Annual Income								Income Not Stated	Mean Income
		Under $500	$500-999	$1000-1999	$2000-2999	$3000-3999	$4000-4999	$5000-5999	$6000-& Over		
Total Number	2,618	7	42	339	652	752	437	144	125	118	$3,019
Percent	100.0	0.3	1.6	12.9	25.0	28.7	16.7	5.5	4.8	4.5	-
1	133	-	2	10	26	41	27	11	14	2	$3,595
2	181	1	6	12	40	49	36	9	15	13	3,336
3	112	-	2	12	23	26	10	7	4	28	2,890
4	145	-	-	8	32	50	31	16	6	2	3,454
5	276	1	11	53	55	72	51	23	9	1	2,978
6	181	-	6	27	40	47	36	12	10	3	3,182
7	148	-	-	11	26	59	49	3	-	-	3,211
8	121	-	1	14	42	44	13	3	3	1	2,890
9	86	-	1	14	22	30	7	4	3	5	2,698
10	131	-	2	19	30	25	21	9	12	13	4,849 a/
11	107	-	-	3	12	42	25	10	14	1	4,024
12	70	1	1	11	19	18	12	4	4	-	3,034
13	69	1	1	2	21	34	8	1	1	-	2,972
14	114	-	4	11	24	31	28	7	5	4	3,118
15	105	2	2	13	36	31	7	2	7	5	2,787
16	85	-	-	10	27	18	10	3	2	15	2,941
17	138	1	-	54	51	17	7	4	-	4	2,079
18	95	-	-	13	19	26	19	8	6	4	3,254
19	87	-	1	5	20	33	19	5	4	-	3,407
20	79	-	-	14	32	18	8	2	3	2	2,809
23	155	-	2	23	57	41	13	1	3	15	2,704

a/ Westley Center mean income $3115 after deletion of 8 atypical cases.

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 10

School Years Completed
(All Participants, All Centers)

Education Level	Totals	Percent
None	401	6.3
1 - 7	3,825	60.5
8	529	8.4
9 - 11	799	12.6
12	347	5.5
13 - 16	49	0.8
17 - 19	1	0.0
Unknown	375	5.9
	6,326	100.0

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 11

Home Base

Home Base	Total	Percent
Arizona	180	6.9
California	895	34.2
Oklahoma	11	0.4
Texas	770	29.4
Other Western States	100	3.8
All Other States	71	2.7
Mexico	502	19.2
Not Stated	89	3.4
	2,618	100.0

Department of Human Resources Development
Migrant Family Housing Centers
November 1968 - December 1969

Table 12

Next Work Stop

Next Work Stop	Totals	Percent
Arizona	104	3.9
California	1,079	41.2
Oklahoma	1	0.0
Texas	376	14.4
Other Western States	181	6.9
All Other States	13	0.5
Mexico	263	10.0
Undecided or Not Stated	601	23.0
	2,618	100.0

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FARMERS HOME ADMINISTRATION AND FARM-LABOR HOUSING:

MISSING THE MARK

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FARMERS HOME ADMINISTRATION AND FARM-LABOR HOUSING: MISSING THE MARK

By Jim Hightower

This paper does not pretend to be an in-depth analysis of the attempts by the entire U. S. Government or even by the Farmers Home Administration (FmHA) to house the domestic farm workers of the United States. Much more simply and modestly, this paper reflects one person's examination of readily-available, public information relevant to just two of FmHA's housing programs that are designed especially for farm labor: (1) Farm-Labor Housing Loans, and (2) Domestic Farm-Labor Housing Grants.[1]

More than any thing else, the function of this paper is to stimulate questions about these two programs in order to assist the National Rural Housing Conference generally, and the Farm-Labor Housing Workshop specifically, in their consideration of this country's present efforts to help farm workers obtain decent housing.

THE NEED FOR FARM LABOR HOUSING

The Department of Agriculture reports that there were 3.1 million persons who did farm work for wages in 1967.[2] These 3.1 million people, plus their usually-large families, range in type from the "hired hand" on a small farm, to migrant families, moving from state to state to serve the labor needs of American agribusiness.

Probably the one common characteristic of these 3.1 million Americans is their poverty. In 1967, just over 2 million of them did farm work only; they earned an average of $1,247 for their

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1/ The insured loan program is section 514 of the Housing Act of 1949. It was approved June 30, 1961, as part of the Housing Act of 1961 (PL 87-70).
The grant program is section 516 of the Housing Act of 1949. It was approved September 2, 1964, as part of the Housing Act of 1964 (PL 88-560).

2/ U. S. Department of Agriculture. "The Hired Farm Working Force of 1967." Economic Research Service, Agricultural Economic Report No. 148. September, 1968. Table 1, p. 8.

labor. The other 1.1 million people tried to make ends meet by combining non-farm work with their farm efforts; this helped a little -- they averaged $1,903 in 1967.[3] This is poverty by any bureaucratic standard. It also is some indication of their ability to provide any kind of decent housing for themselves and their families.

Nor is housing farm labor simply a matter of hurdling the formidable barrier of poverty; the difficulty is further aggravated by the migratory and seasonal nature of much of the work force. Of 3.1 million farm laborers, 1,065,000 -- something over a third -- were seasonal workers.[4] Of the total 1967 farm labor force, 276,000 -- including 137,000 seasonal farm laborers -- were migrant farm workers.[5] Thus, some 43 percent of the hired farm working force of 1967 either were migrants or were seasonally employed.

Apparently, no national survey has been taken of the housing needs specifically of farm laborers. In an interview, an FmHA official could offer no estimate of the condition of farm labor housing, nor of the number of units, cost, and time that would be required to ensure adequate and decent housing for 3.1 million farm workers and their families.[6] To the knowledge of this writer, no one actually has measured the present condition of farm-labor housing in the United States.

Nonetheless, there are all-too clear indicators of that condition and need. The President's National Advisory Commission on Rural Poverty reports that "nearly 60 percent of all rural families with incomes of less than $2,000 lived in houses that were dilapidated or lacked complete plumbing."[7] It has been pointed

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3/ Ibid, Tables 11 and 12, pp. 21 and 22

4/ Defined by the Department of Agriculture as persons who did 25-149 days of farm wage-work.

5/ Defined by the Department of Agriculture as persons who left their home counties to do farm wage-work.

6/ Interview, Rural Housing Loan Division, FmHA, Department of Agriculture, Washington, D. C., May 28, 1969.

7/ The President's National Advisory Commission on Rural Poverty. The People Left Behind. September, 1967. p. 93.

minimum standards of health, safety and sanitation; 65 percent of that housing was deteriorated and dilapidated; 33 percent had inadequate sanitation facilities; 30 percent had no bathing facilities; and 25 percent was without running water.[14] To varying degrees, this inhuman -- even immoral -- condition is repeated again and again off the main highways and behind the rustic beauty of rural America.

But decent and adequate farm-labor housing is not just a need, it is also a very real, human aspiration. A 1962 survey in Fresno County, California, revealed that farm workers there ranked housing second, just below pay, in seeking employment.[15] From its own interviews, the Migratory Labor Subcommittee found in 1967, that "numerous workers place housing even ahead of wages in making a job selection."[16] In the California survey, a quarter of all single workers, and a third of the married workers, ranked housing first in importance to them.

THE FmHA RESPONSE

In 1961, Congress amended the Housing Act of 1949 by authorizing FmHA to insure loans to farm owners, associations of farmers, governmental bodies, or non-profit organizations so that they could build or repair housing for domestic farm labor. In 1965, Congress again amended the 1949 Housing Act, this time authorizing FmHA to make grants to governmental bodies or non-profit organizations to pay up to one-half of the cost of developing low-rent housing for domestic farm workers.

In spite of some celebration by the friends of farm workers when these two laws were passed by Congress, it is doubtful that either act ever really held much promise for the ill-housed, farm-working family. Whatever promise was there, has been only slightly

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14/ California Department of Industrial Relations, Division of Housing. "Housing Deficiencies of Agricultural Workers and Other Low-Income Groups in Rural and Urban Fringe Communities." November 27, 1962. p. 13-14.

15/ John Mac Gillivary. "Motivation of Domestic Seasonal Farm Workers." Vegetable Crops Series 127. University of California at Davis. April 1963.

16/ Op.cit., "The Migratory Labor Problem in the United States: 1967 Report." p. 30.

out above that the average annual income for all those in the 1967 farm labor force was under $2,000. Another important indicator offered by the President's Commission is that "rural families who rent are twice as likely to occupy substandard housing as families who own their homes."[8] Of the 3.1 million in the 1965 farm-labor force, 1,756,000 -- over 56 percent -- lived in rental housing.[9]

Another indicator of bad farm labor housing comes from the Migratory Labor Subcommittee of the Senate, which reported in February of this year that "forty-two percent of all farm housing is substandard."[10] In 1967, just under one-fourth of the total farm-labor force lived on a farm residence.[11] In addition, a great many more farm workers -- especially migrants and those who were seasonally employed -- lived in farm housing at least part of the year.

Also, as this same Senate committee reported in 1967, "the lack of adequate on-the-farm housing has caused the place of hired farmworkers to change significantly during the last 15 years."[12] In 1948-49, some 65 percent of America's farm workers lived on the farm; by 1966-67, only 27 percent remained in farm housing.[13]

Though there is no extensive survey of farm labor housing conditions in America, there have been endless studies on a local level -- particularly of labor camps. Anyone's worst suspicions are confirmed by a review of these studies. One unhappy example of farm-labor housing was uncovered by an eight-county survey taken in the heart of the California farm community. In this one, local situation, 80 percent of the farm workers' housing violated

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9/ U. S. Department of Agriculture. "Domestic Migratory Farmworkers." Economic Research Service, Agricultural Economic Report No. 121. September, 1967. Table 7, p. 9.

10/ U.S. Senate. Subcommittee on Migratory Labor. "The Migratory Labor Problem in the United States: 1969 Report." 91st Congress, 1st Session; Report No. 91-83. February 19, 1969. p. 34.

11/ Op.cit. "The Hired Farm Working Force of 1967." Table 4, p. 10.

12/ U. S. Senate. Subcommittee on Migratory Labor. "The Migratory Farm Labor Problem in the United States: 1967 Report." 90th Congress, 1st Session; Report No. 71. March 15, 1967. p. 36.

13/ Op.cit. "The Hired Farm Working Force of 1967." Figure 1, p. 3.

kept in the performance. Neither the insured loan program nor the grant program have proven a match for the clear need and obvious desire for at least decent farm-labor housing.[17]

FmHA has operated the loan program since 1962, and the grant program since 1966. As of December 31, 1968, 116 loans had been made in 30 states for a total of $13,728,560; 13 grants totalling $9,292,770 had been made in 6 states. All told, these two farm-labor housing programs, funded and operating for a total of 12 program years, have expended $23,021,330 on 129 projects in 30 states -- all this has produced 7,078 housing units, 45 percent of which are dormitory units built for one person each.[18] In light of the need, the response seems pitifully weak.

The geographic distribution of these loans and grants appears to have no relation to the national need. Of $13,728,560 obligated since 1962 for insured loans for farm-labor housing, $11,306,800 (82 percent) went to three states -- Florida California, and Texas. These same three states received $8,637,510 (93 percent) of the funds that have been expended by FmHA for farm labor housing grants since 1965. Of the 3,903 family units financed since 1962 by both the loan and grant programs, 3,218 of them were built in these three states. Florida, California and Texas also have been the sites for over half of the dormitory units built under these two programs.[19]

Of course, these three states have a sizeable farm workers population -- and they are especially noted for their huge migrant populations. But consider the three states that rank next in migrant and seasonal farm-worker population: Michigan, Arizona

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17/ There are several other Federal housing programs that relate to the special need for farm-labor housing, but the insured loan and the grant programs of FmHA represent the specific and primary governmental effort to deal with the problem. See "Housing Handbook: A Guide to Improved Farmworker Housing." U. S. Department of Labor. Manpower Administration. 1967.

18/ U. S. Department of Agriculture. FmHA. "Labor Housing Loans and Grants Approved; Cumulative as of December 31, 1968." Unpublished tabulation. NOTE: Reprinted as Appendix A of this paper.

19/ Figures in this paragraph are computed from: FmHA. "Labor Housing Loans and Grants Approved," Ibid.

and Oregon.[20] Since 1962, Michigan received one loan for $10,300 and built 4 family units; Arizona has obtained no loans or grants under these programs; and Oregon has taken one loan and one grant for a total of $417,150 to finance 175 units.[21] While the top three states in migrant and seasonal farm-worker population split $19,944,310 to finance 4,866 units of farm-labor housing, the next three states divided only $427,450 among them (except for Arizona, which got none of it) to finance 179 units.

It is interesting to note the particularly high -- even disproportionate -- shares of loan and grant money that have gone to two states: Florida and Mississippi. Florida has been the recipient of just under half of the total financing offered by these two farm-labor housing programs since 1962, and Florida has been the site of over half of the units built under the programs.[22] Mississippi is a state with a high percentage of its population engaged in agricultural work, though it does not rank particularly high nationally in total number of farm workers. Nonetheless, Mississippi ranks second in the number of farm-labor housing loans insured, and fourth in the amount of those loans. Mississippi has fared considerably better under the loan program than have its neighbors in the south -- Louisiana, Alabama and Georgia.[23]

In its 1967 Report, the Migratory Labor Subcommittee of the Senate noted that "the improvement in farm labor housing and thus the fulfillment of the congressional intent to ease our Nation's farm labor problems by making farmwork more attractive, especially to Migrant farmworkers, has not been met." The Subcommittee blamed Congress:

20/ Op.cit., "The Migratory Farm Labor Problem in the United States: 1969 Report." Appendix A, p. 115-129. (Top six states, in declining order of seasonal and Migrant population in 1967-68, are Texas, California, Florida, Michigan, Arizona and Oregon).

21/ Op.cit. FmHA. "Labor Housing Loans and Grants Approved."

22/ Ibid.

23/ Ibid.

> "This failure is due to the fact that for fiscal 1965 and again in 1966 only $3 million was appropriated for farm labor housing grants under the act. The need for appropriations many times over this amount is obvious."[24]

Certainly, Congress must appropriate far-greater sums than they are appropriating now if the clear need for farm-labor housing is to be met. But under the insured loan and the grant programs, FmHA has failed to make full use of even the small amount that Congress has been willing to spend. As of April 30, 1969, Congress had appropriated a total of $17,024,000 for the farm-labor housing grant program, yet FmHA had expended only $9,727,550 -- just 57 percent.[25] The story is worse for the insured loan program: since 1962 Congress has authorized FmHA to obligate $60,000,000 for farm-labor housing loans; yet FmHA actually has obligated only $14,224,630 -- a mere 23 percent of their authority.[26]

Each year, Congress has appropriated more money for these two programs than it had in the previous year; yet each year, FmHA continues to expend about the same percentage -- if not less -- as the previous year. In fiscal year 1965, to choose the worst example, Congress allocated $6,000,000 to the insured loan program. This represented a 100 percent increase over the obligational authority approved the previous year. Yet FmHA obligated only $47,480 -- eight-tenths of one percent of their authority!

Officials at FmHA explain that their agency responds to the demand that comes into their offices -- if the demand is small, FmHA's response is small.[27] They point out that the demand does

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24/ Op.cit., "The Migratory Farm Labor Problem in the United States 1967 Report." p.29.

25/ See Appendix B

26/ See Appendix C

27/ Op.cit., Interview

not come from the farm workers, but from growers, associations of growers, governmental bodies, and non-profit organizations. "Under the law, the laborer himself is not a customer of ours," says an FmHA official. "Our customers are those who are willing to take responsibility for housing farm workers."

In short, the response of these two programs is to the demand, not the need, for farm-worker housing. It is not too surprising that growers, and the institutions that they dominate, do not make a heavy demand on the Federal treasury to house their laborers. As the Migratory Labor Subcommittee observed in its 1969 Report:

> ". . . Many farmers are unwilling to make the capital investment required for the construction of housing for migratory workers in spite of the liberal terms of financial assistance available under some Federal Government programs. Moreover, they are reluctant to build housing and maintain it in good condition since they know that it may be vacant for much of the year."[28]

Housing farm workers -- even with Federal aid -- is a large and sometimes-risky business expense for growers; and too much business expense cuts into profits.[29] Yet, under these two Congressional acts, thousands of farm workers in critical need of decent housing must wait on the doubtful willingness of growers to walk into an FmHA office and ask to be saddled with such an expense. FmHA officials say that the actual amount of loans and grants that they make is a fair reflection of the demand for farm-labor housing under their two programs.

Inevitably, the failure of FmHA to spend its farm-labor housing appropriation will lead to a cut-back on these programs. The cut-back already is underway for the grant program. The new Nixon budget requests a cut in these grants from the $6,215,000 appropriated for fiscal year 1969, to $3,700,000 for fiscal year 1970.

28/ Op.cit., "The Migratory Farm Labor Problem in the United States: 1969 Report." p. 35.

29/ For an example of this expense, see: U. S. Department of Labor. "Housing for Migrant Farmworkers." Farm Labor Developments. October, 1968. p. 15-16.

As of April 30, 1969, FmHA had granted only $2,192,500 (35.3 percent) of its 1969 appropriation.[30] In justifying the budget cut for this program, the communication from the President states that "this reduction is made possible by reducing obligations in line with the fiscal year 1969 experience."[31] In short, reasons a budget-minded President, since you don't spend it, we won't burden you with it.

COMMENT ON THE FmHA RESPONSE

The fundamental -- and fatal -- flaw in both the insured loan and the grant programs for farm-labor housing is not that they are starved for funds, nor that they suffer from evil or corrupt administration; rather it is that the programs are mis-directed. Congress has shown a willingness to fund these programs to the extent that there is a demand. But what Congress also has done is to write a housing law in which demand bears no relation to need. Rather than directly helping the farm worker to meet his basic, human need for decent housing, these programs offer just another subsidy to help the growers meet their economic needs. If the quality of farm-labor housing is to be elevated at least to a level of decency, it will not be accomplished by more bribe-offers to growers. As is happening in these programs, when the growers fail to respond, the ill-housed simply are out of luck.

The focus of a farm-labor housing program should be on farm laborers, not on their employers. Yet the insured loan and the grant programs discussed here treat the farm workers almost as incidental to the housing.

If a farm-labor housing program is to deserve the name, it must have a human rather than an economic orientation. If such a program is to be successful, it must have a clear and detailed assessment of the need, as well as a visible, comprehensive plan for responding to the specifics of that need. Also, the administering agency must be authorized and expected to initiate housing in response to need, rather than sitting passively in Washington, waiting for demand to walk in the door. Further, if the administering agency is successfully to minister to such a human need as

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30/ See Appendix B.

31/ Communication from the President of the United States. "Reductions in 1970 Appropriation Request." 91st Congress, 1st Session. House Document No. 91-100. April 15, 1969.

farm-labor housing, it must operate independently of the economic pressures and biases of growers.

Until a law is passed that would establish a farm-labor housing program containing these basic features, there need be no concern for how much Congress appropriates -- nor need there be any real hope that the condition of ill-housed farm workers will be much improved.

APPENDIX A
LABOR HOUSING LOANS AND GRANTS APPROVED
CUMULATIVE AS OF DECEMBER 31, 1968

State	Loans		Grants		Number of Family units	Dormitory No. Persons
	Number	Amount	Number	Amount		
Alabama	7	$ 35,150			6	30
Arkansas	5	20,590			5	
California	5	3,294,380	5	$3,896,500	943	
Colorado	2	264,400	1	244,960	66	32
Florida	16	6,865,220	3	3,815,750	1950	1643
Georgia	1	5,000			1	
Idaho	6	595,570			252	99
Illinois	2	155,300	1	150,000	45	
Indiana	2	42,000			19	
Kansas	1	77,500			20	
Louisiana	3	72,590			8	
Maine	4	40,500			5	
Michigan	1	10,300			4	
Minnesota	2	20,590			2	
Mississippi	10	297,750			41	
Missouri	2	16,530			2	
New Jersey	8	35,300			4	89
New York	2	83,000				839
North Carolina	7	44,550			5	98
North Dakota	4	32,000			4	
Ohio	2	38,890			26	36
Oklahoma	1	2,500			1	
Oregon	1	156,850	1	260,300	85	90
South Carolina	1	7,420				30
South Dakota	1	10,500			1	
Texas	7	1,147,200	2	925,260	325	5
Virginia	4	28,670			3	16
Washington	3	275, 60			75	140
West Virginia	1	14,500				28
Wisconsin	5	37,850			5	
TOTAL	116	$13,728,560	13	$,292,770	3903	3175

Source: U.S. Department of Agriculture. FmHA. Unpublished tabulation.

APPENDIX B

PROFILE OF INSURED LOANS FOR FARM-LABOR HOUSING
(Section 514)

FISCAL YEAR	OBLIGATIONAL AUTHORITY APPROVED BY CONGRESS	APPROVED OBLIGATIONAL AUTHORITY ACTUALLY USED BY FmHA Amount	Percent	NUMBER OF LOANS INSURED
1962	1,000,000	$ 52,500	5	2
1963	1,000,000	221,450	22	8
1964	3,000,000	884,300	30	8
1965	6,000,000	47,480	0.8	11
1966	9,000,000	3,465,840	33	22
1967	10,000,000	3,818,360	33	26
1968	15,000,000	4,494,620	33	31
1969*	15,000,000	1,240,080	8	21
TOTALS	$60,000,000	14,224,630	23.7	129

* As of April 30, 1969 -- i.e., with two months remaining in the fiscal year.

SOURCE: Chart structured by the author; figures filled-in by FmHA, through the Rural Housing Loan Division.

The author also sought figures by year for the number of units built and the number of persons housed, but was told by FmHA that these figures were unavailable.

APPENDIX C

PROFILE OF GRANTS MADE FOR FARM-LABOR HOUSING

(Section 516)

Fiscal Year	Appropriations Approved By Congress	Appropriations Actually Spent By FmHA		Number and Category of Grants Made				
		Amount	%	Total Number	Made to Governmental Bodies		Made to Non-Profit Organizations	
					No.	Amount	No.	Amount
1966	$3,000,000	$2,156,320	70	4	4	$2,156,320	0	0
1967	3,844,000	2,678,440	70	5	2	1,889,300	3	$ 789,140
1968	3,965,000	2,700,290	67	5	3	2,446,790	2	253,500
1969*	6,215,000	2,192,500	35	7	4	1,396,620	3	795,880
TOTALS	$17,024,000	$9,727,550	57.1	21	13	$8,249,030	8	$1,838,520

* As of April 30, 1969--i.e., with two months remaining in the fiscal year.

Source: Chart structured by the author; figures filled-in by FmHA, through the Rural Housing Loan Division.

The author also sought figures by year for the number of units built and the number of persons housed, but was told by FmHA that these figures were unavailable

U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

JUN 26 1970

Honorable Walter F. Mondale
Chairman, Subcommittee on Migratory Labor
Committee on Labor and Public Welfare
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

This is in further reply to your request of May 1, 1970, for information concerning housing facilities and enforcement procedures. I am enclosing the information you requested.

I regret the delay in furnishing the desired data. However, much of it had to be obtained from regional or State offices.

If further information becomes available, I will be happy to promptly furnish it to you.

Sincerely,

George P. Shultz
Secretary of Labor

Enclosure

QUESTIONS POSED BY THE SENATE SUBCOMMITTEE ON MIGRATORY LABOR TO THE DEPARTMENT OF LABOR CONCERNING MIGRANT & SEASONAL FARMWORKER HOUSING

1. Q. With regard to housing code and sanitation codes and regulations: (a) Please describe the general method of compelling compliance with, and enforcement of, housing and sanitation regulations. Please include appropriate references to each regulation.
(b) By way of illustration, please attach the relevant documents for the States of Michigan, Washington, Idaho, Texas, and Florida.

A. (a) In those states having housing regulations, in general a license is required to operate the housing, and enforcement of those regulations is administered by the State Department of Health, and violations are punishable as a misdemeanor. For example, the State Sanitary Code of the Commonwealth of Massachusetts, in their State Sanitary Code Article III, Regulation 22.2, states, "A farm labor camp shall not be operated by any person or occupied by workers until a current certificate of occupancy has been issued and posted in the headquarters or main building of such camp."

Generally, the state codes contain a provision for violation of the housing code by providing punishment as for the commission of a misdemeanor. The New Jersey Code 34:9A-34 provides, "Any person, or the agent or officer thereof, who violates any provisions of this article or of any rule or regulation duly issued under this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than $1,000 or imprisonment of not more than one (1) year or both."

(b) The state of Texas has no housing code relating to migrant housing. However, enclosed are copies of the state rules and regulations governing agricultural labor camps for the states of Michigan, Washington, Idaho, and Florida.

2. Q. Please describe in detail the procedures followed to compel enforcement of federal regulations by States using the federal recruitment system or otherwise subject to federal control.

A. Title 20 CFR 602.9 provides in part that: "No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless: --------(d) The State has ascertained that housing and facilities which comply with the provisions of part 620 of this chapter are available."
Part 620 contains the Department's standards for housing of agricultural workers.

When filing an order requesting interstate recruitment of workers an employer furnishes information as to where those workers will be housed. Inspection is then made by State Health officials, or by Employment Security personnel in those States that do not have regulations relating to such housing. If the housing designated by the prospective employer fails to meet the higher requirements of the federal, State or local requirements, the employer is informed that his order for interstate recruitment of workers cannot be accepted.

3. Q. How does the Labor Department assert control over labor camps in the various States in which migrant and seasonal labor are relied upon? Are bases other than federal funding of State and local agencies, or the operation of the federal recruitment system used to support this control? If so, describe in detail, with references to all such devices and to the States where each is relied upon. If not, why not?

A. The only control the Department has over the housing provided migrant workers is to deny usage of its interstate recruitment services. We are informed that the Farmers Home Administration of the Department of Agriculture now requires that all housing financed with labor housing loans at least meet the standards set out in 20 CFR 620 as well as State and local requirements.

4. Q. For all States relying on migrant labor, please list all private and publicly-owned camps and other facilities used to house 10 or more migrant workers. Please describe generally the procedures followed in regulating the camps or other housing not previously discussed in question 3 above.

A. We are unable to furnish a list of privately owned facilities housing 10 or more workers. Usage of such facilities vary from year to year and only come to our attention when a request is made that workers recruited through our interstate clearance system be housed in such facilities.

We are informed that the following housing is used to house migrant workers:

California:

Migrant Housing:

1. Rt. 1, Box 355
Oroville Gridley Road
Gridley, Butte County

2. P. O. Box 631
Yuba City, Sutter County

3. Rt. 1, Box 150
Nusted Road
Williams, Colusa County

4. Madison
Yolo County

5. Rt. 1, Box 625
Car Yolo Co Rd 105 & 36
South & East of Davis

6. P. O. Box A
Pedrick & Casey Road
Dixon, Solano County

7. 14320 East Harney Lane
Lodi, San Joaquin County

8. 225 W. Mathews Road
French Camp, San Joaquin County

9. J.777 W. Mathews Road
French Camp, San Joaquin County

10. 5130 South Avenue
Empire, Stanislaus County

11. P. O. Box 63
Westley, Stanislaus County

12. Walnut Avenue
Patterson, Stanislaus County

13. 16140 N. Santa Fe Drive
Turlock, Merced County

14. 2753 N. Santa Fe Drive
Merced, Merced County

15. Planada
8880 E. Gerard Avenue
Le Grand, Merced County

16. 687 Harkins Slough Road
Watsonville, Santa Cruz County

17. Livingston
9200 Westside Blvd.
Atwater, Merced County

18. 18926 W. Henry Miller Road
Los Banos, Merced County

19. 3235 Southside Road
Hollister, San Benito County

20. 7520 West Manning
Raisin City, Fresno County

21. 6800 S. Academy
Parlier, Fresno County

22. P. O. Box 638
Shafter, Kern County

23. 47-094 Van Buren Avenue
Indio, Riverside County

Idaho:

1. Caldwell Housing Authority
Caldwell Labor Camp
Caldwell, Idaho

Florida:

1. Fort Myers Housing Authority
Fort Myers, Florida

2. Pompano Housing Authority
Pompano Beach, Florida

3. Belle Glade Housing Authority
Belle Glade, Florida

4. Pahokee Housing Authority
Pahokee, Florida

5. Homestead Housing Authority
Homestead, Florida

Washington:

1. Farm Labor Housing Corp.
   Othello, Washington

2. Local Slope Farm Labor Housing Corp.
   Royal City, Washington

3. Stateline Farm Labor Camp
   Wallawalla, Washington

The health and sanitation conditions in housing, both public and private, are within the jurisdiction of the State and local health agencies and are regulated by them.

5. Q. In any of the States discussed above, have there been efforts to use persuasion, threats of the loss of federal funds, or other such actions, to secure enforcement of the States' housing and sanitation regulations? If so, please describe with examples, particularly relating to the States of Michigan, Washington, Idaho, Texas, and Florida.

A. The regulations of the Department relating to migrant labor housing (20 CFR 620) only provide that our services shall be denied if housing meeting those standards is not provided. In order to secure upgrading and effective administration of State or local standards we have had recourse only to our powers of persuasion. Members of our national office staff and members of the staffs of the Regional Manpower Administrators have met numerous times with State Employment Service and Health Department officials in attempting to secure better administration and better housing and sanitation standards. As a result of those efforts a number of States now have revised their standards so they equal or exceed those of this Department. Among the States that have amended their housing standards are: New York, New Hampshire, Pennsylvania, Maryland, New Jersey, Michigan, Wisconsin, Minnesota, and Washington.

6. Q. With regard to compliance and enforcement of housing and sanitation codes: (a) Is there an agency of the Labor Department regularly assigned to any of the duties described in questions 2, 3, and 5 above? (b) How many persons are so employed? (c) What were the total budget outlays for FY-68, 69, and projected 1970 for performance of all enforcement and compliance duties? (d) How many complaints have been investigated? (e) How many complaints

have been referred to State officials and in particular, to Michigan, Washington, Idaho, Texas, and Florida officials? (f) How often have sanctions been imposed against State or local regulatory bodies? (g) How often have sanctions been imposed against farmers and growers using migrant workers? (h) Have any of the above complaints involved matter covered by Title VI of the Civil Rights Act? Were any Title VI proceedings instituted by your department? If so, please detail; if not, please explain.

A. (a) Included in the functions performed by the Office of Farm Labor and Rural Manpower Service is that of administering and enforcing the Secretary's Regulations relative to the interstate recruitment of agricultural workers. Those regulations include 20 CFR 620, Housing for Agricultural workers.
(b) Due to budgetary limitations the enforcement of housing standards is limited to one employee in the national office and 16, on a part time basis, in the Manpower Administration Regional offices. Additional staff in the National Office is used as needed on a short time peak period basis only.
(c) Since the administration of the housing requirements is only one of the functions performed in connection with the interstate recruitment of workers, no separate budget amount has been allotted for this purpose. However, it is estimated that approximately $265,000 has been expended yearly during 1968, 69, and 70 for this purpose by time utilization in the national, State and local offices.
(d) This information is not available. Complaints involving violations of State or local housing or sanitation codes are referred to the appropriate State Agency. In those cases where there is no State or local regulation relating to housing or sanitation the State Employment Service investigates the complaint and if found justified endeavors to have corrective action taken. If the employer is unwilling or unable to correct the hazardous or unhealthy condition, efforts are made to find other employment for the workers and the employer is informed that we will be unable to aid him in securing workers through use of the interstate clearance system until he is able to show that his housing fully meets the prescribed standards.
(e) This information is not available. Most complaints are presented orally and are referred to the health authorities in the same manner.
(f) No sanctions have been imposed against either State or local regulatory bodies. In the few instances where either State or local health officials have been unwilling or unable to adequately inspect or enforce housing standards, the State Departments of Employment have performed necessary inspections before placing employment orders into the interstate clearance system.

(g) This information is not available. Sanctions as such are not used except in the form of denial of our recruitment assistance. No record is kept of the number of times such service is denied because the housing provided fails to meet the appropriate standards.

(h) No complaints involving violation of the Civil Rights Act have been called to the attention of the Department in connection with housing workers recruited through its interstate clearance system.

7. Q. Has the Labor Department ever considered intervening in State proceedings to secure the enforcement of housing or sanitary regulations? Has your department done research on the problems likely to be encountered in such an intervention? If so, please give details; if not, please explain.

A. As indicated earlier, the Department's representatives, in cooperation with the state agencies, continually work with appropriate state officials to secure improvement in state housing regulations and enforcement.

Our instructions provide that any violations of housing and sanitary regulations coming to the attention of our state agencies are to be promptly referred to the appropriate state enforcement agency.

We have conducted no research as to the problems likely to be encountered if we intervened in state proceedings to secure the enforcement of housing or sanitary regulations. We have encountered no problems in dealing with state officials in our efforts to secure improved standards and enforcement.

8. Q. Are there published or unpublished statistics which show the proportion of privately-owned labor camps that house workers recruited with the help of the federal recruitment process? If so, please detail by State. Please also indicate the proportion of these that have been reported to federal and state officials for housing or sanitation violations; and describe the administrative hearings or private litigation resulting from such reports or complaints, and the results thereof. If no such information is available, please explain.

A. To our knowledge there are no published or unpublished statistics showing the proportion of privately owned housing used by migrant laborers. The demand for workers varies from year to year and from area to area so that the housing used by interstate workers one year may not be used the following season, or may be used to house intra-state or privately recruited workers.

Information concerning hearings or litigation procedures or results is not available since the Department has not been involved in such proceedings.

9. Q. Please provide an account similar to that requested in question 8 above for all other camps under State regulations. If no such information is available, please explain.

The Department has no reliable information on the number of units used for housing agricultural workers of all kinds. In those states having housing licensing requirements this information may be partially available from the Department of Health of such states. However, since such requirements vary from state to state, the information would likewise vary.

10. Q. As to publicly-owned camps in all user-States: (a) Are regulations published which distribute maintenance responsibilities between the management and the occupants? If so, please provide copies. (b) How are such regulations communicated to occupants? (c) What are the standards of eligibility for occupancy, and by what procedures are these administered? (d) Describe the extent to which occupants or their representatives participate in regulating the operation of these camps.

A. We have no information on these matters. However, there are forwarded copies of rental agreements used by the Homestead, Florida Housing Authority and the Belle Glade, Florida Housing Authority.

11. Q. Describe the procedures by which the user-States police their own requirements for the management of camps whose construction or operation is funded by the State if, in fact, any such steps are taken beyond the inspection-and-licensing procedures followed with respect to other camps.

A. We have no information concerning the states' policing procedures in managing the camps funded by the state.

12. Q. As to privately-owned and-operated camps: (a) Are housing agreements between the camp operators, owners and occupants standardized by law in any user-State? (b) Do growers associations ever utilize or recommend standardized agreements? (c) Are there other ways of determining what might be "typical" terms of such agreements? If so, please document with examples from each user-State. (d) Has your department ever conducted

research in this area? If so, or if other such studies are known, please describe the results. (e) Are housing agreements ever handled by, or distributed or posted on the premises of State or Federal recruitment offices? If so, please give details.

A. Apparently housing agreements between owner/operator and tenant are neither required by the various states nor have they resulted in uniform agreements between growers. We are furnishing a copy of the registration card used by the Wasco County (Washington) Fruit and Produce League which contains "conditions of tenancy," as well as lease agreements used by the Castro County Agricultural Housing Association and Cypress City Agricultural Housing Association, both located in Texas.

We have conducted no research in this area and know of no other studies.

We know of no housing agreements handled by, distributed, or posted on the premises of federal or state offices.

13. Q. Are there public records kept by user-States, or by any agency of your department, of the insurance carried by farmer and growers for migrant workers' housing? If so, please supply a summary of such records. If not, please explain.

A. To our knowledge there are no public records maintained of the insurance carried by farmers for migrant worker housing. We do not believe that any state housing code requires insurance.

14. Q. As to housing and sanitation complaints by migrant tenants: (a) What is the procedure in each user-State to be followed by migrant tenants? (b) What is the proper procedure for a migrant tenant to follow in complaining to the federal government about a camp to which the standards promulgated under the Wagner-Peyser Act may apply? (c) What steps are taken by federal and state agencies to publicize regulations and to explain to migrant occupants the proper methods of pressing their complaints?

A. (a) Generally, housing or sanitation complaints are filed with representatives of the Housing or Health Agency of the State in which the facility involved is located.
(b) Complaints regarding failure to meet the federal standards should be filed with the local representative of the State Employment Service.

(c) This Department has prepared and distributed to growers, grower organizations, workers and their organizations, and to the general public the following documents in the past four years:

(1) Good Farm Worker Housing is Good Farm Business! (General) (1966) 100,000 copies
(2) Housing Regulations of the U. S. Department of Labor for Out-of-State Agricultural, Woods, and Related Industry Workers Recruited through State Employment Service (General) (1967) 75,000 copies
(3) Housing Handbook, A Guide to Improved Farm Worker Housing (General) (1967) 20,000 copies
(4) Reprint of Federal Register of 20 CFR 620, Housing for Agricultural Workers from Volume 33, Number 213. (General) (1968) 150,000 copies
(5) Farm Worker, Want a Job with Good Housing? (Workers) (1969)
    English Version - 50,000 copies
    Spanish Version - 25,000 copies

It is known that a number of the states have prepared and distributed similar publications.

We are informed that the Agricultural Research Service of the Department of Agriculture has prepared and is having printed an Agricultural Handbook, "Housing Migrant Agricultural Workers" that incorporates the Department's housing standards and illustrates plans for construction of facilities that meet those standards.

15. Q. What steps have State or Federal agencies taken to explain and secure the rights of migrant tenants to have visitors at reasonable hours?

A. The Department has taken no steps to explain or secure such rights since this is regulated by the States. We have no information as to what steps have been taken by other agencies or by the states to explain or secure such rights.

Senator MONDALE. This concludes today's hearing. Thank you very much for your attendance and interest.

(Whereupon, at 3:45 p.m. the subcommittee recessed, to reconvene at 9:30 a.m. on Friday, July 24, 1970.)

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